



STATE OF MICHIGAN

TASK FORCE ON FORENSIC SCIENCE

LANSING

GRETCHEN WHITMER
GOVERNOR

CHIEF JUSTICE BRIDGET M. McCORMACK
COL. JOSEPH GASPER
CO-CHAIRS

Task Force on Forensic Science
August 10, 2021
Michigan Hall of Justice
1st Floor Main Conference Room
925 West Ottawa Street, Lansing, MI, 48915
Zoom [meeting link](#); to join by phone: Dial 646-876-9923,
enter Meeting ID 972 9260 2885, Password 008955

Voting Members Present	Representing
Col. Joe Gasper, Director	Michigan Department of State Police
Chief Justice Bridget M. McCormack	The Michigan Supreme Court
Mr. Jeff Nye, Director	Michigan Department of State Police, Forensic Science Division
Mr. Jonathan Sacks	Public defenders or criminal defense attorneys
Mr. Matthew J. Wiese	Prosecuting attorneys
Dr. Jeffrey M. Jentzen, M.D., Ph.D.	Board-certified pathologists with experience in forensic pathology
Mr. Kent Gardner, Director	Oakland County Sheriff's Department Forensic Laboratory
Mr. Christopher R. Bommarito	Forensic science practitioners with at least five years of experience in the field
Mr. Brandon N. Giroux	Forensic science practitioners with at least five years of experience in the field
Hon. (ret.) Dr. Donald Shelton, Ph.D.	Individuals from the private sector or from a university in this state who have earned a doctoral degree in a distinct field relevant to forensic science and who have published scholarship related to the field in a peer-reviewed journal
Dr. Ruth Smith, Ph.D.	Individuals from the private sector or from a university in this state who have earned a doctoral degree in a distinct field relevant to forensic science and who have published scholarship related to the field in a peer-reviewed journal
Dr. Barbara O'Brien, Ph.D.	Individuals from the private sector or from a university in this state who has published scholarship related to cognitive bias
Judge Paul J. Denenfeld	The 17th Circuit Court of Kent County, designated by the Chief Justice
Ms. Lori Montgomery, Attorney General Dana Nessel's designee	The Michigan Attorney General's Office
Voting Members Not Present	
NONE (All Present)	
Non-Voting Members Present	
Senator John Bizon	The Michigan Senate, designated by the Senate Majority Leader
Senator Stephanie Chang	The Michigan Senate, designated by the Senate Minority Leader
Representative Laurie Pohutsky	The Michigan House of Representative, designated by the House Minority Leader.
Non-Voting Members Not Present	
Representative Robert Bezotte	The Michigan House of Representatives, designated by the Speaker of the House

I. Call to Order

- Chief Justice Bridget McCormack called the Task Force on Forensic Science meeting to order at 9:00 a.m.
- Chief Justice Bridget McCormack noted that the Task Force was determined an advisory body only and therefore not obligated to comply with all requirements of the Open Meetings Act, allowing for members to attend virtually and for closed sessions.

II. Roll Call

- Roll call was taken, and a quorum was present.

Attendance Roll Call	Present Yes	Present No	Location, City, County, & State
Voting Members			
Col. Joe Gasper, Co-Chair	X		In-person, Lansing, Ingham Co., MI
Chief Justice Bridget M. McCormack, Co-Chair	X		In-person, Lansing, Ingham Co., MI
Mr. Jeff Nye	X		In-person, Lansing, Ingham Co., MI
Mr. Jonathan Sacks	X		In-person, Lansing, Ingham Co., MI
Mr. Matthew J. Wiese	X		In-person, Lansing, Ingham Co., MI
Dr. Jeffrey M. Jentzen, M.D., Ph.D	X		In-person, Lansing, Ingham Co., MI
Mr. Kent Gardner	X		In-person, Lansing, Ingham Co., MI
Mr. Christopher R. Bommarito	X		Virtual via Zoom
Mr. Brandon N. Giroux	X		Virtual via Zoom
Hon. (ret.) Dr. Donald Shelton, Ph.D.	X		In-person, Lansing, Ingham Co., MI
Dr. Ruth Smith, Ph.D.	X		In-person, Lansing, Ingham Co., MI
Dr. Barbara O'Brien, Ph.D.	X		In-person, Lansing, Ingham Co., MI
Judge Paul J. Denefeld	X		In-person, Lansing, Ingham Co., MI
Ms. Lori Montgomery, Attorney General designee	X		In-person, Lansing, Ingham Co., MI
Non-Voting Members			
Senator John Bizon			Virtual via Zoom
Senator Stephanie Chang			Virtual via Zoom
Representative Robert Bezotte		X	
Representative Laurie Pohutsky			Virtual via Zoom

III. Approval Vote of the 7/20/2021 Meeting Minutes

- A motion to approve was given by Mr. Jonathan Sacks and seconded by Hon. (ret.) Dr. Donald Shelton.
- With no discussion, the motion carried with 12 Yeas, 0 Nays, and 0 Abstained.

IV. Presentation: Flawed Forensic Science and Wrongful Convictions

- Presentation Panelists:
 - Mr. David Moran, Michigan Innocence Clinic
 - Ms. Marla Mitchell-Cichon, WMU-Cooley Innocence Project
 - Mr. Moran and Ms. Mitchell-Cichon shared background information on multiple cases involving exoneration.
- Exonerees present who shared their stories:
 - Mr. Gilbert Poole
 - Mr. Desmond Ricks
 - Mr. Kenneth Nixon
- Panel moderated by Ms. Megan Richardson, Michigan Innocence Clinic.
- Questions and comments following the presentations:

- Regarding Mr. Ricks case: Were the people involved in the fraud aspect of his case fired and/or prosecuted?
 - Answer: Statute of Limitations prevented criminal prosecution.
- Over the past two years over 29 million dollars have been paid out in Michigan to exonerated individuals.
- Question: Does the Innocence Project have a way to guarantee the forensic experts they use are qualified?
 - Answer: They look for people who testify on both sides (prosecution and defense) and that are experts.
 - Follow-up question: Would a list of certified experts be beneficial?
 - Answer from Ms. Mitchell-Cichon: Absolutely.
- A process is needed to educate and train lawyers, judges, and the judicial system on the sciences.
 - We need to correct where partial misuse of information is used.
- Question: Do lawyers need to be certified in forensic science?
 - Answer: Defendants' rights need to be protected. Maybe not certified but educated.
 - Additional Comment: Judges need to be educated too if not certified.
- The role of a possible commission in foundational review of forensic methodologies was discussed.
- Potential cognitive bias and independence from the police was discussed.
- Adapting guiding principles could help get cases/issues back in front of the courts.
 - Comment: Much is currently done at the Federal Level.
 - There is the ULTR (Uniform Language for Testimony and Reports)
 - NIST (National Institute of Standards and Technology) Foundational Reviews
 - It goes back to education and making sure it's applied correctly.
- Mr. Nye commented regarding the list of 34 exoneration cases: He would like to take a deeper dive into their specifics.
 - Mr. Moran and Ms. Mitchell-Chichon will provide more information on their cases (but many are not theirs).
 - There is case information on the National Registry of Exonerations and Dr. Barbara O'Brien is the editor.
 - Mr. Nye advised everyone should look at the information independently or have a presentation provided.

V. Break

VI. Public Comments

- No public comments conveyed.

VII. Commission Subcommittee Presentation of Findings/Questions

- Topic not covered

VIII. Future Meeting Schedule

- September through December are our remaining meetings.
- Possible speakers to be identified.
 - Professor Brandon Garret was suggested. He could speak on reform models, where a forensic science commission could go, and what are some solutions.

IX. Next Meeting

DATE: September 28, 2021
TIME: 9 a.m. – 12 p.m.
LOCATION: Michigan State Police Headquarters
1917 Conference Room
7150 Harris Drive
Dimondale, Michigan 48821

X. Adjournment

- A motion to adjourn was given by Judge Paul Deneffeld and seconded by Dr. Barbara O'Brien.
- This Task Force meeting was adjourned by Chief Justice Bridget McCormack at 11:36 a.m.