



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
TASK FORCE ON FORENSIC SCIENCE  
LANSING

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

Task Force on Forensic Science  
July 20, 2021  
In-person, Michigan State Police Headquarters  
7150 Harris Drive, Dimondale, Michigan  
Meeting Minutes

<b>Voting Members Present</b>	<b>Representing</b>
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
<b>Voting Members Not Present at the Time of Roll Call</b>	
NONE (All Present)	
<b>Non-Voting Members Present</b>	
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 Robert Bezotte	The Michigan House of Representatives, designated by the Speaker of the House
Representative Laurie Pohutsky	The Michigan House of Representative, designated by the House Minority Leader.
<b>Non-Voting Members Not Present at the Time of Roll Call</b>	
NONE (All Present)	

**I. Call to Order**

- Col. Joe Gasper called the Task Force on Forensic Science meeting to order at 1:02 p.m.

**II. Roll Call**

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

<b>Attendance Roll Call</b>	<b>Present Yes - at the time of Roll Call</b>	<b>Present No - at the time of Roll Call</b>	<b>Location, City, County, &amp; State</b>
<b>Voting Members</b>			
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		In-person, Lansing, Ingham Co., MI
Mr. Brandon N. Giroux	X		In-person, Lansing, Ingham Co., MI
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. Denenfeld	X		In-person, Lansing, Ingham Co., MI
Ms. Lori Montgomery, Attorney General designee	X		In-person, Lansing, Ingham Co., MI
<b>Non-Voting Members</b>			
Senator John Bizon	X		In-person, Lansing, Ingham Co., MI
Senator Stephanie Chang	X		In-person, Lansing, Ingham Co., MI
Representative Robert Bezotte	X		Virtual
Representative Laurie Pohutsky	X		In-person, Lansing, Ingham Co., MI

**III. Approval Vote of the 6/08/2021 Meeting Minutes**

- A motion to approve was given by Hon. (ret.) Dr. Donald Shelton and seconded by Dr. Barbara O'Brien.
- With no discussion, the motion carried with 14 Yeas, 0 Nays, and 0 Abstained.

**IV. Presentation: Lessons from the Texas State Forensic Science Commission**

- A presentation was given by:
  - Mr. Peter Stout, President and CEO of the Houston Forensic Science Center (HFSC)
  - Ms. Lynn Garcia, Texas Forensic Science Commission
  - Mr. Brady Mills, Deputy Director of Crime Laboratory Services, Texas Department of Public Safety (TDPS)
- Information provided during the presentation:
  - The Texas Commission has nine members appointed by the Governor. The members serve a staggered two-year term. Seven members are scientists, while two are lawyers, with one being a defense attorney and one being a prosecuting attorney.
  - The Commission has jurisdiction over approximately 100 laboratories. This includes laboratories associated with outsourced casework.
  - Forensic Scientists in Texas are required to be licensed for DNA, Toxicology, and Seized Drugs.

- Forensic Scientists pay \$200 for their initial license, and \$200 every other year to renew.
- Public access will soon be available for viewing credentials of all licensed scientists and lab accreditation history.
- There is one central site for laboratories to report and post incidents.
- The two core values of the commission are Collaboration and Transparency.
- The Code of Professional Responsibility is under Texas state law Title 37 and is based upon the recommendation made by the National Commission on Forensic Science.
- The Commission feels their requirements are more rigorous than international accreditation standards.
- Questions voiced by task force members after the presentation:
  - Was there push back from the law enforcement side and where did the funding come from?
    - There is a collaborative relationship, and the commission was created to support the laboratory system. Funding comes from a general fund budget and licenses.
  - Are all the Commission members appointed by the Governor?
    - Initially, some of the members of the Commission were selected by the Attorney General, the Lt. Governor, and the Governor. Currently, the Governor selects all the members of the Commission. Members serve on a two-year staggered term and fulfill specific areas of expertise set out in statute.
  - How was the bite mark review conducted?
    - The data was reviewed, and a recommendation to the judiciary was published to no longer admit bite mark evidence until such evidence could be better verified.
    - DNA mixtures/CPI was also reviewed.
    - The Commission's intent is to only do things that matter.
  - How is the interaction with law enforcement?
    - HFSC transitioned from the Houston Police Department – the process from enlisted to civilian for crime scenes took place from 2016-2019. It was a difficult process.
  - How is the interaction with the local medical examiners?
    - Texas medical examiners are a county function.
    - Crime scene evidence is pushed out to the Texas Rangers, and they submit evidence to the laboratories.
  - If you could change one thing about the Commission, what would it be?
    - (Has already occurred) Would like members of the Commission to have a history of longevity and have worked in the field of forensic science.
    - (Has already occurred) Would like continuity and balance among commissioners and with the Commission staff.
    - Would like a greater scope to include multi-media, latent prints, and crime scenes.
      - Comment – There would be a lot of needed resources for crime scene accreditation.
    - Would like to see a consolidated evidence management system practice.
    - Would like to get more involved in addressing the gap between proficiency testing and case work.
  - Is there a license requirement for investigators?
    - No
  - What are some examples of self-reporting?
    - Selection of the wrong drug from the pull-down menu for a report that wasn't caught in review.
    - A lost hair.
    - Someone stepped on a pill accidentally.
    - Something more intentional.
      - Comment – The labs find it helpful to learn from each other through this self-disclosure process; labs may better handle incidents and alter their quality strategies.

- Are yearly internal audits submitted to the Commission?
  - All accrediting body information goes to the Commission. If they see anything in the material that's of interest, it will be handled separately.
- What is the scope of the Commission?
  - The Commission was born out of the Houston issues.
  - The Commission has jurisdiction via statutory authority over everything except autopsies.
  - The Commission provided forensic review on the disciplines not accredited.
- Has the process of reporting shifted to being comfortable reporting?
  - The Commission would only interview a licensed scientist if there was possible cause to revoke their license; normally interviews are with lab managers or the quality division.
  - The cultural shift has changed over time with the focus being more on quality.
  - There are guidelines for the laboratories to determine if the laboratories need to disclose an incident to the Commission.
- Is there institutional independence?
  - Houston lab reports negotiated independence. There are occasions when analysts need to interact with the prosecutor's office.
  - TDPS reports that Forensic Science is a separate division, and the science decisions are clearly delineated from other decisions affecting the division and stop with the division director.
- What role does the Commission play in best practices?
  - Best practice recommendations are included in the release of their reports.
    - When the DNA review took place, they looked at best practices.
- Where does the Commission fit on the state organizational chart?
  - The Commission is under the Texas Judicial Branch.
- What is the size of the Commission?
  - There are five full-time employees on the Commission.
- What is the budget of the Commission?
  - The budget is currently \$683,000 annually, funded bi-annually by general revenue and license fees. License fees make up about \$120,000 of the budget. The budget initially began at \$250,000 annually, and the legislature allocated more funds over time.

## **V. Break**

## **VI. Public Comments**

- No public comments conveyed.

## **VII. Subcommittee Check-in**

- State of Forensic Science in Michigan – Chair: Mr. Jeff Nye
  - This subcommittee has met once. Would like to coordinate with other subcommittees on developing and combining one survey to gather information.
- Commissions Review – Chair: Mr. Christopher Bommarito
  - This subcommittee has met three times. They met virtually with Ms. Linda Jackson with the Virginia Forensic Science Scientific Advisory Committee to gather information on their program.
- Improving Practices – Chair: Dr. Ruth Smith
  - This subcommittee has met one time and has a goal of identifying areas to improve practices.
- Credentialing – Chair Dr. Jeffrey Jentzen
  - This subcommittee has met one time and reviewed National Academy of Science recommendations on death investigation standards. The subcommittee will look at the units and accreditation in MSP and have a goal of notification of defects.

- Education and Application of Forensic Science – Chair: Hon. (ret.) Dr. Donald Shelton
  - This subcommittee has met two times. They are gathering current information on education for lawyers and judges. They have had presentations from the training director of the Michigan Indigent Defense Commission and from Dawn McCarty of the Michigan Judicial Institute.
    - 37 states require attorneys to have continuing education. Michigan does not require continuing education.
- Reporting, Testimony, and Rules of Evidence – Chair: Mr. Matthew Wiese
  - This subcommittee has not met yet. Meeting to be set up.
- Negligence, Misconduct, and Misapplication Reporting – Chair: Senator Stephanie Chang
  - This subcommittee has not met yet. First meeting is August 5, 2021.
- Post-Conviction Notifications – Chair: Ms. Lori Montgomery (AG's Office)
  - This subcommittee has met one time. They are looking at current procedures and notifications for what happens now and what hindrances exist.
- Follow-up question:
  - What is the final product and when is it due?
    - Subcommittees are to draft written findings and recommendations.
    - The findings and recommendations of the subcommittees will be rolled into one report and submitted to the Governor by the task force.
    - Report review and presentations will happen prior to the final submission of the subcommittees.
    - Reports from the subcommittees are due at the October task force meeting.
    - An outline will be put together with the timeline to meet the deadlines.

#### **VIII. Future Meeting Topics and Speaker**

- What is the scope of what we are doing and who are we covering?
- Suggestion to give the subcommittee presentations prior to submitting the final subcommittee reports.
- Our next presentation, Wrongful Convictions, may show where some of the problems are.
- Discussion ensued in regard to future recommendations of the task force and the scope of those recommendations.
- What are the issues we are trying to resolve?
  - Recommendation to start from a point of failure analysis of people incarcerated unjustly and where they went wrong.
- Task force members were advised to focus on the tasks of their subcommittees.
- For the August 10, 2021, meeting, all subcommittees are to come prepared with three to five top major concerns they have, as some areas may overlap between committees and can be combined.
- The August and September task force meetings will be focused on concentrated conversation. Draft subcommittee reports may be discussed during the October meeting with the November meeting for pulling all the subcommittee recommendations together and voting on the recommendations. The December meeting will be the final meeting to review and tweak the final report.

- Additional questions and comments:
  - Can you attend a task force meeting virtually, but not be able to vote?
    - Yes, you can attend virtually, but you will not be able to participate in voting.

**IX. Next Meeting**

**Date:** AUGUST 10, 2021

**Time:** 9:00 a.m. – 12 p.m.

**Location:** Michigan Hall of Justice  
Main Conference Center, First Floor  
925 W. Ottawa Street, Lansing, Michigan 48915

- The Hon. (ret.) Dr. Donald Shelton advised he will not be present at the next (August 10, 2021) task force meeting.

**X. Adjournment**

- A motion to adjourn was given by Judge Paul Denefeld and seconded by Mr. Matthew J. Wiese.
- This Task Force meeting was adjourned by Col. Joe Gasper at 4:06 p.m.