



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  
September 28, 2021  
Virtual Meeting via Teams

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
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</b>	
Dr. Jeffrey M. Jentzen, M.D., Ph.D.	Board-certified pathologists with experience in forensic pathology
<b>Non-Voting Members Present</b>	
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.
<b>Non-Voting Members Not Present</b>	
Representative Robert Bezotte	The Michigan House of Representatives, designated by the Speaker of the House
Senator John Bizon	The Michigan Senate, designated by the Senate Majority Leader

**I. Call to Order**

- Col. Joe Gasper called the Task Force on Forensic Science meeting to order at 9:01 a.m.

**II. Roll Call**

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

<b>Attendance Roll Call</b>	<b>Present Yes</b>	<b>Present No</b>	<b>Location, City, County, &amp; State</b>
<b>Voting Members</b>			
Col. Joe Gasper, Co-Chair	X		Virtual via Teams
Chief Justice Bridget M. McCormack, Co-Chair	X		Virtual via Teams
Mr. Jeff Nye	X		Virtual via Teams
Mr. Jonathan Sacks	X		Virtual via Teams
Mr. Matthew J. Wiese	X		Virtual via Teams
Dr. Jeffrey M. Jentzen, M.D., Ph.D		X	
Mr. Kent Gardner	X		Virtual via Teams (9:29 a.m.)
Mr. Christopher R. Bommarito	X		Virtual via Teams
Mr. Brandon N. Giroux	X		Virtual via Teams
Hon. (ret.) Dr. Donald Shelton, Ph.D.	X		Virtual via Teams
Dr. Ruth Smith, Ph.D.	X		Virtual via Teams
Dr. Barbara O'Brien, Ph.D.	X		Virtual via Teams
Judge Paul J. Denefeld	X		Virtual via Teams
Ms. Lori Montgomery, Attorney General designee	X		Virtual via Teams
<b>Non-Voting Members</b>			
Senator John Bizon		X	
Senator Stephanie Chang	X		Virtual via Teams
Representative Robert Bezotte		X	
Representative Laurie Pohutsky	X		Virtual via Teams

**III. Approval Vote of the 8/10/2021 Meeting Minutes**

- A motion to approve was given by the Honorable (retired) Dr. Donald Shelton and seconded by Dr. Ruth Smith.
- With no discussion, the motion carried with 12 Yeas, 0 Nays, and 0 Abstained.

**IV. Task Force Extension (vote)**

- A recommendation to extend the Task Force through December 2022 was presented.
- With no discussion, the extension passed unanimously with 12 Yeas, 0 Nays, and 0 Abstained.

**V. Presentation: Quality Systems and Forensic Crime Labs**

- Speaker: Professor Brandon Garrett, Duke Law Director, Wilson Center for Science and Justice
- Questions following the presentation:
  - Hon. Dr. Donald Shelton: The emphasis of the presentation was more toward quality issues. Can improvements be made in structure, or is the answer to improve quality?
    - Professor Garrett Answer: Uniform standards along with quality control and review, as well as separation/independence to avoid biasing information. And there is a cost savings for someone centralized to take on, for example, development of quality control measures.
  - Hon. Dr. Donald Shelton: Has anyone adopted a Forensic Science Improvement Act like Clinical Laboratory Improvement Amendments (CLIA)?

- Professor Garrett Answer: No, but other countries in Europe have some systems of regulation. The U.S. Military has adopted a quality system of blind testing for drug testing laboratories.
- Mr. Jeff Nye Comments: Regarding blind proficiency testing: Michigan State Police, Forensic Science Division (MSP-FSD) does not have a blind proficiency testing program. Such a program would be difficult to implement and while some agencies find them effective, others do not. MSP-FSD does have other quality mechanisms in place.
  - Professor Garrett Comments: Other options for quality can include internal blind verifications along with random spot checks where you send things to independent laboratories for review. If you do enough double blinds, you can generate lab-specific error rates. And in mock juror studies, jurors' conviction rates did not change just because the forensic expert had made a mistake in a quality program.
- Mr. Jonathon Sacks: If there was a central commission or body, what would it do? Have you seen a model where minimum standards are set, and laboratories meet the standards? What about funding?
  - Professor Garrett Answer: Grant funding would be a way to assist. Savings could be had if there were Standard Operating Procedures (SOPs) for all to use along with a funding model that funds programs which are doing well and also would help all come to the same level.
- Professor Garrett Comment: Quality is a worthwhile investment. Also conversations between states, such as Massachusetts, could be helpful. Volunteers to be involved in the MI task force work going forward as requested.

#### **VI. Public Comments**

- No public comments conveyed.

#### **VII. Break**

#### **VIII. Change in Future Meeting Schedule**

- October 2021 Meeting is cancelled.
- November meeting is changed to November 22, 2021, 9:30 a.m.
- December 2021 meeting is cancelled.
- Subcommittees are to continue to meet as they wish.
- 2022 scheduled will be worked on and released later.

#### **IX. Next Meeting**

DATE: November 22, 2021  
TIME: 9:30 a.m. – 12:30 p.m.  
LOCATION: TBD

#### **X. Subcommittee Report-out and Discussion**

- State of Forensic Science in Michigan – Chair: Mr. Jeff Nye
  - Efforts continue with the forensic science providers survey.
    - An introduction has been developed.
    - In the process of determining who will get the survey.
    - Subcommittees continue to submit additional questions.
- Commissions Review – Chair: Mr. Christopher Bommarito
  - There has been research regarding the impact of a forensic science commission.
  - There has been research regarding bias, and they have reached out to numerous states for input.
  - The subcommittee continue to gather information.

- Improving Practices – Chair: Dr. Ruth Smith
  - The subcommittee has held two focus groups.
    - One with laboratory directors, latent print analysts, and toxicology analysts.
      - One common comment was related to the time spent in the courts waiting to testify, which takes analysts out of the laboratories and away from casework and backlog reduction.
    - One focus group was with defense attorneys.
      - One common comment was related to access of information and not being able to get it in a timely manner.
  - The subcommittee met to discuss the findings of the focus groups.
  - Contact will be made with prosecutors to get their input.
- Credentialing – Chair Dr. Jeffrey Jentzen (not present)
  - Nothing to report; subcommittee has not met recently.
- Education and Application of Forensic Science – Chair: Hon. (ret.) Dr. Donald Shelton
  - Focus is on means to educate judges and lawyers.
    - The Michigan Indigent Defense Commission does have some information.
    - Gathered information from Dawn McCarty, Director at Michigan Supreme Court – Michigan Judicial Institute.
    - Chief Justice McCormack encourages mandatory continuing education for judges.
    - Chief Justice McCormack provided a status of the proposal of continuing education for judges currently before the Supreme Court.
    - Currently the State Bar opposes the requirement of continuing education for attorneys.
- Reporting, Testimony, and Rules of Evidence – Chair: Mr. Matthew Wiese
  - Looking at the federal standards for forensic science.
  - Looking at uniformity and standards.
- Negligence, Misconduct, and Misapplication Reporting – Chair: Senator Stephanie Chang (Information provided by Caitlin Stadler)
  - The subcommittee has met three times.
  - The subcommittee continues to try and figure out standards for disclosure and what needs to be disclosed.
- Post-Conviction Notifications – Chair: Ms. Lori Montgomery (AG's Office)
  - Continue to work on questions for the survey.
  - Researching the process of others with a notification system.
  - Continue to look for recommendations.

## **XI. Adjournment**

- A motion to adjourn was given by the Honorable Dr. Donald Shelton and seconded by Dr. Ruth Smith.
- This Task Force meeting was adjourned by Col. Joseph M. Gasper at 11:00 a.m.