

Task Force on Forensic Science Subcommittee Report: Outline of Potential Legislation

JULY 19, 2022

Task Force Goals – Executive Order 2021-4

- ▶ Improve Practice, delivery, use of forensic science in Michigan
- ▶ Strengthen forensic science methodologies and practices
- ▶ Create statewide protocols for disclosure of negligence or misconduct
- ▶ Create a process for allowing members of the public to report alleged professional negligence or misconduct
- ▶ Adopt best practices for individuals who practice or apply forensic science
- ▶ Create procedures for updating stakeholders on developments
- ▶ Create a post-conviction notification procedure

Forensic Science Statewide Body (FSSB)

- I. Structure in State Government
- II. Composition
- III. Process

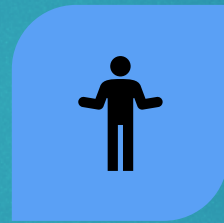
IV. Mandate



ACCREDITATION OF
LABORATORIES



REGISTRATION



COMPLAINTS,
REPORTS, AND
INVESTIGATIONS



NOTIFICATION



RECOMMENDATIONS
FOR BEST PRACTICE
AND GRANTS FOR
IMPLEMENTATION

Sources

Subcommittee discussions

Prior meetings and reporting of the Task Force subcommittees:

Senate Bills 276 and 277 (2019)

Illinois legislation

Forensic Science Task Force Survey Responses

Commissions Review Committee: Functions with Consensus

Review of
required
accreditation

Licensing /
Registration

Investigation
and Review

Guidance on
Discipline-
wide issues

Task Force Survey Results

- ▶ Accreditation – 100%
- ▶ Registration – 90%
- ▶ Complaints, Reports, and Investigations – 100%
- ▶ Notification – 90%
- ▶ Education and Information – 90% Education, 70% database (remainder more information)
- ▶ Grants and Recommendations – 80% (10% more information)

Accreditation of Laboratories

- ▶ Accreditation Requirement and Verification
- ▶ Not create own requirements – Existing ones: ISO 17025
- ▶ Public and private Forensic Science Service Providers
- ▶ Time Frame (Two years), extension available

Registration



Establish a process to register forensic experts



Maintain database of experts



Minimum qualifications certain disciplines

Complaints, Reports, and Investigations

General Concepts

- ▶ Design a system of reporting of negligence, misconduct, or nonconformance by or in a forensic laboratory or an expert witness that affects the integrity of the forensic science or forensic medicine results, or the practice of forensic science.
- ▶ The results / work product must be impacted.

Types of Reports/Complaints

Formal Lab Reports and Responses

Employee Whistleblower

Media

Criminal Legal System Stakeholders

Types of Investigations

Educational

Complaints and Reporting
Resulting in Investigations

Invited Investigations

Complaints/ Investigations

Severity and Risk of recurrence framework

Only “High severity” and “High risk of recurrence” could result in automatic independent investigation and response

Everything else to service provider for investigation and report, then evaluation if further investigation necessary: Two-tiered process

Supermajority required for investigations

Process

- ▶ Confidentiality
- ▶ Timeline
- ▶ Not apply to ongoing investigations
- ▶ Conduct of Investigations

Results

Does not supplant
appellate process

Public report,
recommendations,
reprimands,
corrective actions

Recommendation
for a larger-scale,
institutional
response

Notification

- ▶ Institutional Stakeholders
- ▶ Convicted person and counsel
- ▶ Includes independent investigations and laboratory disclosures
- ▶ Respect due process, confidentiality, laboratory remediation, and corrective measures

Education and Information



Clearinghouse
forensic science



Available training



Database Forensic
Science Experts



Information and
recommendations on
laws, rules, and policy

Recommendations, Best Practices and Grants

- ▶ Advocate for proper funding and resources for public labs
- ▶ Identify and encourage best practices:
 - ▶ Certification
 - ▶ Improved Methodologies and Quality Assurance Standards
 - ▶ Access to Evidence
 - ▶ Compartmentalization, Independence from prosecution, Cognitive bias
- ▶ Grants to fund best practices

Accomplishments of FSSB



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