

Forensic Science Practice – Potential Recommendations

Committee Members

Chair: Jeff Nye

Dr. Ruth Smith

Sen. Chang

Dr. Barbara O'Brien

Rep. Pohutsky

Colonel Gasper

Dr. Jentzen

Objectives are to provide recommendations in the following areas:

1. Conduct a Statewide survey of forensic science service providers
2. Conduct a survey of lab analysts
3. Independence within Law Enforcement Agencies
 - a. Non-Profit model (Houston)
 - b. Independent Government Agency (Virginia)
 - c. Independent Governance within MSP (Models: SADO, MCOLES, MIDC, other)
 - d. Other
4. Access
 - a. Requests for additional analysis
 - b. Contact with experts by stakeholders
5. Clearinghouse Process [case manager]
6. Practices for quality control and compartmentalization
7. Disclosure of Negligence / Misconduct
8. Training Requirements
9. Resource needs

Recommendations and Survey Status:

1. Survey complete
 - a. Evaluating data
 - b. Summary presentation to be provided 7/19/2022
 - c. 30 responses
2. Survey of lab analysts pending

3. Independence

- a. This objective was clearly overlapped with the first committee, so we have deferred to their discussions.

4. Access

- a. Provide training to attorneys on how to get a request for analysis submitted to a forensic science service provider from both the prosecution and defense perspectives.
- b. Provide awareness/training on availability of funding for outside testing
- c. Recommend training and resources to address concerns on access to scientists by defense attorneys for trial preparation.
- d. Recommend training on how to obtain unredacted case files for attorneys on record.
- e. Recommendation to create statute for access to case files by non-criminal justice partners (e.g. Innocence Clinics). The recommendation would be that the statute address CJIS compliance and retention schedules, among others.
- f. Recommendation to create a sample/template discovery request. Oftentimes, attorneys download a freely available discovery request and it includes things that are irrelevant or unmanageable. Having an preapproved template for discovery may save time/energy.

5. Bias

- a. Recommend forensic science providers insulate examiners from unneeded case background information (e.g. case manager) that may bias testing.
- b. Recommend an annual requirement for forensic science service providers to receive training in recognizing and mitigating bias.

6. Quality Control

- a. Recommend all forensic science service providers be accredited to a nationally recognized testing standard (e.g. ISO 17025) by an accrediting body recognized by ILAC, if an accreditation is available.
- b. For programs that an accreditation is not available/appropriate (specialties), an oversight mechanism be instituted to ensure they are conducting quality work.
- c. Recommend a blind proficiency test program be instituted for all forensic science service providers with necessary support and resources made available.
- d. Recommend further studies related to sequential unmasking as a mechanism to reduce bias in examinations.

7. Disclosure of negligence and misconduct

- a. We are not prepared to have a recommendation in this area at this time. We have significant differences and proposals have not been fully vetted.

8. Training

- a. Recommend a minimum number of hours of technical training per year by a qualified trainer
 - b. See above reference training on bias
- 9. Resources
 - a. Recommend an outside body conduct a needs assessment for forensic science service providers in Michigan. The needs assessment can follow a national model for needs related to legislation, financial support and technical support.