

## Create a Forensic Science Commission in Michigan

**Key Issue:** Forensic science—or the application of scientific methods and practices to matters of law—can help identify perpetrators of crimes, but if not properly overseen, regulated, and updated according to the latest standards, can also implicate an innocent person.

Currently, there is no standardized, statewide process to address complaints and investigations regarding forensic science in the state of Michigan. Moreover, there are insufficient resources available for labs to conduct timely testing.

Over the years, advances in forensic science research revealed weaknesses in the scientific foundations of several methods, including bite mark analysis, hair comparisons, fingerprint analysis, and arson investigation. According to the National Registry of Exonerations, in Michigan, **61 individuals were wrongfully convicted** due to false or misleading forensic evidence as a contributing factor since 1989.<sup>1</sup>

**In cases of wrongful conviction, an innocent person not only suffers by spending a significant amount of time in prison, but the real perpetrator generally remains free to commit additional crimes and jeopardize public safety.**

### Forensic Science & Wrongful Convictions: the Numbers

Experts have been calling for more rigorous standards, oversight, and evaluation of the validity of forensic scientific evidence for two decades.

- Misapplied forensic science contributed to **52%** of the Innocence Project's wrongful conviction cases and nearly a quarter of all wrongful conviction cases in the United States since 1989.<sup>2</sup>
- Since 1989, **33%** of Michigan's exoneration cases involved false or misleading forensic evidence.<sup>3</sup>
- The average number of years a wrongfully convicted individual spent incarcerated in Michigan is **14 years**.<sup>4</sup>
- In Michigan, **\$60.5 million** has been paid to exonerees out of the Wrongful Imprisonment Compensation Fund as of June 30, 2025.<sup>5</sup>

### Proposal

In December 2022, Governor Gretchen Whitmer's Task Force on Forensic Science—composed of members from the Michigan State Police, Michigan Supreme Court, and experienced forensic science practitioners—recommended the creation of an independent Forensic Science Statewide Body.<sup>6</sup> This task force was put together due to a bipartisan joint request from state senators Stephanie Chang (D) and Tom Barrett (R).<sup>7</sup>

Aligned with the task force recommendation, the State of Michigan should instate a Michigan Forensic Science Commission that will assume the following responsibilities:

- Develop and implement minimum standards and a program of accreditation for all forensic science and medicine agencies, including establishing minimum qualifications for forensic analysts.
- Ensure that the accreditation of all forensic agencies is in accordance with the standards of the National Association of Medical Examiners.
- Act as an oversight body that receives and addresses complaints and investigations regarding forensic science negligence or misconduct.
- Investigate, examine, and analyze the ever-changing and advancing field of forensic science.
- Provide educational resources and training for forensic science practitioners and legal system stakeholders.

A Michigan Forensic Science Commission would:

- Be an inclusive group of approximately a dozen members appointed by the governor, made up of scientists, forensic scientists, forensic practitioners, and legal professionals;
- Be housed within the Michigan Department of Civil Rights;
- Report annually to the legislature with recommendations for policy changes where needed, based on an examination of emerging technologies and best practices;
- Make reports publicly available for transparency and accountability;
- Have internal and external systems to investigate complaints or concerns regarding lab activity, enabling errors to be addressed quickly and systematically;
- Enhance support for quality management to increase efficiency and prevent backlogs.

## Improving Public Safety

As the 2008 audit of the Detroit Crime Lab demonstrated, a lack of oversight and resources can have disastrous consequences for communities. An **astonishing backlog of over 11,000 untested rape kits** was discovered, which **cost millions of dollars in testing at private labs** when the Michigan State Police labs had reached their saturation point. Ultimately those kits revealed **817 undetected perpetrators**, many of whom were found to be **serial rapists**.<sup>8</sup>

A Michigan-based forensic science commission would be able to provide oversight in such instances where there is a lack of resources or limited bandwidth and act as a reporting mechanism. In doing so, the commission would minimize the risk of potential perpetrators' going undetected and remaining at large.

## Looking at the Texas Model

In order to better understand how a forensic science commission looks in practice and to measure its potential impact, we examine the commission implemented in the state of Texas.

The Texas commission is composed of nine members appointed by the governor who each serve a two-year term. Members include the following: two experts in the field of forensic science; one prosecuting attorney; one defense attorney; and five individuals from academic institutions who specialize in clinical laboratory medicine, DNA databases, and statistical analyses.<sup>9</sup>

The Texas commission is responsible for the following: investigating forensic analysis practices that substantially affect the integrity of lab results, establishing licensing programs for forensic disciplines, and establishing best practices and accreditation processes for entities conducting forensic analyses for use in criminal proceedings. Moreover, the commission is actively involved in forensic development initiatives as well as forensic education and training improvements.<sup>10</sup>

As of 2024, the commission addressed 644 out of the 708 complaints and self-disclosures it received through dismissal, investigation, release of a report, or referral to another agency. The commission's annual budget in FY2024 was \$553,996, and its projected budget for FY2025 is \$553,937.<sup>11</sup>

## Conclusion:

The central purpose of implementing an independent forensic science commission is to prevent wrongful convictions due to false or misleading forensic evidence. It aims to do so by setting minimum standards for testing, implementing accreditation programs, providing the necessary training and educational resources for forensic science professionals, and acting as an oversight body that addresses public complaints. These efforts will result in improved public safety and promote greater accountability and transparency surrounding forensic science.

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<sup>1</sup> "Exoneration Registry," The National Registry of Exonerations, Accessed June 24, 2025, [https://exonerationregistry.org/cases?f\[0\]=n\\_pre\\_1989%3A0](https://exonerationregistry.org/cases?f[0]=n_pre_1989%3A0).

<sup>2</sup> "Explore the Numbers: Innocence Project's Impact," Innocence Project, Accessed July 29, 2025, <https://innocenceproject.org/exonerations-data/>.

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<sup>3</sup> “Exoneration Registry.”

<sup>4</sup> “Exoneration Registry.”

<sup>5</sup> “WICA Quarterly Report – FY 2025 3rd Quarter,” State of Michigan Office of the Attorney General, Dana Nessel, e-mail, July 8, 2025, <https://www.michigan.gov/ag/-/media/Project/Websites/AG/publications/2025/2025-WICA-Report-3rd-Qtr-Report-FY.pdf?rev=d7b396b7709b4f24ac5110f26fd10b23&hash=EBC07289834989623C36647DFE8C4516>.

<sup>6</sup> “Michigan Task Force on Forensic Science: Report and Recommendations,” State of Michigan, December 2022, [https://www.michigan.gov/msp/-/media/Project/Websites/msp/fsd/pdfs/TFFS-Report-and-Recommendationsdraft\\_topost.pdf?rev=abf9c8b99e1142d9860ed214c51e35ee&hash=67279FD22464DBE412DC455052D5D0A4](https://www.michigan.gov/msp/-/media/Project/Websites/msp/fsd/pdfs/TFFS-Report-and-Recommendationsdraft_topost.pdf?rev=abf9c8b99e1142d9860ed214c51e35ee&hash=67279FD22464DBE412DC455052D5D0A4).

<sup>7</sup> Tom Barrett and Stephanie Chang, “Opinion: Michigan needs state-based forensic science commission,” *The Detroit News*, September 15, 2019, <https://www.detroitnews.com/story/opinion/2019/09/16/opinion-michigan-needs-state-based-forensic-science-commission/2291922001/>.

<sup>8</sup> Josh Saul, “Untested Rape Kits Hid 817 Serial Predators In Detroit, Tens Of Thousands More Concealed In Backlog Across U.S.,” *Newsweek*, December 19, 2017, <http://www.newsweek.com/rape-kit-untested-sexual-assault-serial-rapist-detroit-prosecutor-nation-752440>.

<sup>9</sup> “Texas Forensic Science Commission: Commission Composition,” Texas Judicial Branch, Accessed August 06, 2025, <https://www.txcourts.gov/fsc/about-us/commission-composition/>.

<sup>10</sup> “Texas Forensic Science Commission: About Us,” Texas Judicial Branch, Accessed August 06, 2025, <https://www.txcourts.gov/fsc/about-us/>.

<sup>11</sup> “Texas Forensic Science Commission, Thirteenth Annual Report,” State of Texas, November 2024, <https://www.txcourts.gov/media/1460513/13th-annual-report-02112025-1.pdf>.