

Illinois Forensic Science Commission

Meeting Minutes

18 March 2024

I. **Call to order**

Illinois State Police Director Designee, Deputy Director Robin Woolery, called to order the meeting of the Illinois Forensic Science Commission at approximately 10:03 a.m., on March 18, 2024. The meeting was held in-person at the University of Illinois Urbana-Champaign Carl R. Woese Institute for Genomic Biology Room 1619. The meeting also was available via WebEx.

II. **Roll-call**

1. The following Commission Members and staff were present in-person:
 1. Robin Woolery, Illinois State Police Director Designee, Illinois State Police Division of Forensic Services
 2. Dr. Ponni Arunkumar, member
 3. Jillian Baker, member
 4. Jeff Buford, member
 5. Claire Dragovich, member
 6. John Hanlon, member
 7. Judge Art Hill (ret.), member
 8. Jodi Hoos, member
 9. Cris Hughes, member
 10. Phil Kinsey, member
 11. Jeanne Richeal, member
 12. Caryn Tucker, member
 13. Carrie Ward, member
 14. Amy Watroba, Executive Director of the Forensic Science Commission
2. Quorum confirmed.
3. The following member of the public was present in-person at the meeting:
 1. Timothy Ruppel

The following members of the public were present via Web Ex:

1. Declan Binninger
2. Gina Havlik
3. Jan Johnson
4. Sabra Jones
5. Joanne Liu
6. Lindsay Simpson
7. Lt. John Thompson
8. Timothy Tripp

III. **Review/Adoption of the Minutes of December 18, 2023.**

The vote to approve the Meeting Minutes of December 18, 2023, was unanimously approved.

IV. **Housekeeping Items**

1. ED Watroba outlined proposed changes to the Commission bylaws, which included stylistic and citation updates and the addition of a section to address public participation at meetings via electronic means. The revised bylaws were adopted by unanimous vote.

V. **Executive Director Summary**

1. General: ED Watroba discussed possible mechanisms for building out the agenda for future meetings.
2. Education/outreach: ED Watroba submitted a proposal to speak generally about the Commission at the International Association of Homicide Investigators (IHIA) DNA & Genealogy Conference in Collinsville in June. She also applied to represent the Commission on the National Association of Forensic Science Boards (NAFSB), will maintain membership on several ASB Consensus Bodies to stay current on standards development, and will attend conferences and workshops which are relevant to the Commission's work.
3. Legal & Legislative Update: ED Watroba summarized pending legislation and cases. The case of *Smith v. Arizona* involves the testimony of a drug chemist who testified to conclusions in a case where he did not complete the actual testing. The question being considered in *Smith* is whether the drug chemist's testimony violated the Confrontation Clause. An opinion is expected by June, when the US Supreme Court's term ends.

VI. **Subcommittee Reports**

1. Quality Systems Subcommittee: Claire Dragovich, subcommittee chairperson, reported that the subcommittee has the necessary information for their annual report, which they will prepare for Commission discussion and action at the June meeting. Ms. Dragovich also reported that they discussed pros and cons of implementation and management of random reanalysis.
2. Training and Career Development Subcommittee: Caryn Tucker, subcommittee chairperson, summarized the trainings provided for judges in 2023 and outlined ideas for future presentations for lawyers and judges.

Ms. Tucker discussed the three training documents created by the subcommittee for forensic scientists (knowledge in forensic science, ethics, and testimony in criminal/civil cases). ED Watroba stated that she met with Ms. Tucker regarding the work the subcommittee has done thus far and requested further discussion related to the training documents at the next subcommittee meeting.

Ideas for web-based training videos available to the general public were discussed on the following topics: an introduction to the Commission, a

general overview of the forensic services provided by laboratories, and a deeper dive into the basics of the forensic disciplines.

Discussion was held on how to push out external training to lawyers and judges related to forensic science. ED Watroba outlined basic requirements for Illinois CLE providers and requested feedback on outreach to bar associations as a mechanism to deliver content to attorneys and judges. Thus far, the Commission has been unsuccessful securing time in the agendas of training programs for lawyers and judges. Ms. Hoos indicated that prosecutors and criminal defense attorneys are rarely involved in larger bar associations, which primarily focus trainings on civil law topics. Judge Hill suggested that the Criminal Law Section of the Chicago Bar Association may be an option to reach criminal defense attorneys. ED Watroba will reach out to organizations and stakeholder groups to identify potential training opportunities.

Ms. Baker suggested that trainings offered via online platforms might provide an efficient mechanism to reach groups throughout the state and minimize the time forensic scientists would need to spend outside the lab to deliver trainings. Offering online training on a few topics a year on basic concepts could reach a larger audience and may encourage organizations to request additional higher-level or focused trainings. Ms. Baker also suggested expanding the Commission's website to include information for upcoming trainings and/or a newsletter to assist with outreach to external stakeholders.

DD Woolery reported that the Division of Forensic Services of ISP is planning a forensic science symposium for the Fall targeting all law enforcement stakeholders, senior law enforcement officers, attorneys, and judges. The one-day symposium will be held in-person in Springfield and will be accessible online. It will be free to the community and will cover general forensic science topics. DD Woolery indicated that they would like to include a 10–15-minute presentation about the Commission in the symposium.

3. Technology Subcommittee: Jeff Buford, subcommittee chairperson, reported that the subcommittee is at the end of Phase 2, where they heard presentations from various disciplines about current and emerging technologies. The last meeting was in January and the next meeting will be on March 27, 2024, when subject matter experts from Forensic Biology/DNA will present. After this final presentation, the subcommittee will prepare a summary report for the Commission on the information gathered during Phase 2 including recommendations brought forth by subject matter experts for further review for fitness of use in the various disciplines.
4. Public Policy Subcommittee: John Hanlon, subcommittee chairperson, reported that the subcommittee met several times regarding the first of three issues related to DUI/THC. Ms. Dragovich then summarized the information presented to the subcommittee, including presentations from Larry Shelton of ISP and Lindsay Simpson of NIRCL, regarding toxicological testing of blood and "other bodily substances" for purposes of "per se" DUI prosecutions under Section 501(a)(7) of the Vehicle Code. The subcommittee focused on the

“other bodily substances” portion of the statute and considered whether the subcommittee should recommend that the Commission support a legislative amendment to the existing statutory language to be scientifically accurate.

Ms. Dragovich summarized that delta-nine tetrahydrocannabinol (Delta-9 THC) is the active component in cannabis and is linked to impairment. Delta-9 THC can become inactive during metabolism when other molecules are attached to it. An example of an inactive metabolite is Delta-9 THC glucuronide, which can be found in urine up to 25 days after last cannabis use in a chronic user. Thus, there is a disconnect with the current statutory language and the subcommittee supports a clarification in the law specifying that Delta-9 THC for purposes of the per se DUI statute means only free or parent Delta-9 THC.

DD Woolery asked how the Commission would put forth its recommendation. Ms. Dragovich suggested that ED Watroba could draft a letter similar to the letter drafted by the Commission related to the use of victim DNA in databases. Ms. Dragovich suggested that the Commission’s position should not be specific to any particular bills, but rather indicate that the Commission recognizes this is a forensic science issue and would recommend or support clarification of the existing statutory language.

Judge Hill asked if labs could differentiate between D9-THC and D9-THC metabolites. Ms. Dragovich responded yes. Ms. Dragovich further stated that there is no way for an officer to know what someone may be intoxicated with during a traffic stop, absent a DRE evaluation, which is why samples of blood or urine are needed to determine what is present in a person’s system. Discussion was held regarding whether the Commission should weigh in on the issue at all. ED Watroba and Ms. Hoos observed that the issue/confusion only seems to exist in the (a)(7) provision and that the ambiguity may stem from the legalization of cannabis in Illinois since the statutory language pre-dates cannabis legalization. Ms. Hoos talked about how this is not an issue that would come up with officers on scene because the (a)(7) per se charges would not be filed until after lab results are received.

Ms. Hoos asked about the two pending bills that seek to amend the DUI statute. One was introduced by Senator Morrison. Ms. Hoos stated that if the Commission wants to have a say in policy or legislation related to pending bills, time is of the essence because the legislature is currently in session. Discussion ensued regarding how ED Watroba should share the Commission’s position on legislation or policy decisions as the spokesperson for the Commission.

Ms. Ward noted that the position proposed by the subcommittee is not in support of a particular bill and suggested that any authorization to the Executive Director related to the Commission’s position not be limited to any particular legislation. Ms. Ward further noted that the proposed recommendation is timely because of the existence of a bill addressing the DUI statute and that the Commission should use the opportunity to weigh in. Ms. Hoos shared her experience with the legislative process and observed that

bills could be re-written several times and that it was possible that the Commission may not want to offer support or opposition for a particular bill, but rather only take a position on a specific part of a bill.

ED Watroba noted that there are two other distinct and separate aspects of the DUI-cannabis statutes that also could be subject to proposed legislative changes and Ms. Dragovich confirmed that the subcommittee was not making any recommendations about the two-hour collection window issue or the issue of whether the per se amounts (5ng/10ng) should be amended at this time because the subcommittee needs more information on those topics before making recommendations. Discussion was held on how ED Watroba could communicate any Commission recommendation.

VII. **Issues for Discussion**

1. Discussion and possible action on Public Policy Subcommittee Recommendations regarding bills pending in legislature that would amend DUI (cannabis) statutes: This issue was advanced on the agenda following the Public Policy Subcommittee report and ensuing discussion. Mr. Hanlon called for a vote in favor of the Commission making a recommendation in support of a statutory amendment that would clarify that “delta-nine tetrahydrocannabinol” means only free or parent delta-nine tetrahydrocannabinol for purposes of Section 11-501(a)(7) and Section 11-501.2(a)(6) of the Illinois Vehicle Code and to empower ED Watroba with the authority to act on behalf of the Commission in furtherance of that position. Motion passed unanimously.
2. Discussion of “Forensics and the Law” education certificate project: DD Woolery explained that the project involves potential collaboration between ISP and the University of Illinois School of Law to provide approximately 40 hours of education in forensic science to senior law enforcement, lawyers, and judges. ED Watroba outlined the Commission’s involvement with the project—the Training and Career Development Subcommittee assisted with development of an approximately 40-hour curriculum in 2022-2023. DD Woolery indicated that any additional subcommittee involvement would be subsequent to the ironing out of any partnership between ISP and the University of Illinois. In the meantime, ED Watroba will reach out to the contact at the University of Illinois and explore issues related to content delivery, including whether a joint certificate and CLE model is possible. ED Watroba also will research Arizona’s Forensic Academy as a possible model for the Forensics and the Law education certificate project in Illinois.
3. Discussion and possible action on issue of creation of an ad hoc subcommittee for Forensic Investigative Genetic Genealogy: Ms. Hughes provided information about Forensic Investigative Genetic Genealogy and the upward trend in the use of the technology to create leads in unresolved violent crime cases and to review convictions. ISP and the University of Illinois have been working in partnership for two years to explore how to onboard FIGG at the state level. The Public Policy Subcommittee discussed creation of an ad hoc

subcommittee on FIGG due to the complex nature of the topic. A FIGG subcommittee could review policies such as the DOJ interim policy and make recommendations regarding best practices for the use of FIGG in Illinois. ED Watroba noted that a subcommittee of the Commission also could be a space for varying stakeholders be part of discussions related to FIGG. Dr. Arunkumar shared her experience using FIGG technology to identify the human remains of an individual who had been unidentified for several years. A motion to create an ad hoc subcommittee on FIGG passed unanimously.

4. Discussion and possible action on design of seal/insignia for Forensic Science Commission: ED Watroba shared six designs for possible seals for the Commission. Commission members discussed the options. A Motion to approve Option 2 with 2 specific design modifications (replacing three stars with “XXMI” at bottom and replacing the fingerprint background with a solid fill) passed unanimously. DD Woolery stated that once the Commission seal is finalized then official letterhead for the Commission also can be created.
5. Discussion regarding building out Forensic Science Commission Website: ED Watroba reported that she visited websites of other state-level forensic science commissions to gather ideas for building out the Commission’s website in the future. She shared slides with screen shots from the Texas Forensic Science Commission’s website as an example. ED Watroba noted that the Commission’s website already has a section for reports in addition to materials related to public meetings. She suggested that other possible future additions to the website could include: electronic witness slips for public comment, links to forensic science-related resources, links to training materials or presentations from the Commission, and a section with photos and bios of Commission members. Ms. Hughes suggested that it would be useful to have presentations available via the Commission’s website. After general discussion, ED Watroba indicated that she would reach out to the technology department to see what the capabilities of the website are and what future capabilities might be. DD Woolery stated that photographs of Commission members could be taken at the June Commission meeting.

VIII. Public Comment

There were no public comments.

IX. Meeting Schedule

The next meeting is scheduled at 10:00 a.m., on Tuesday, June 18, 2024, at the University of Illinois Urbana-Champaign Carl R. Woese Institute for Genomic Biology, located at 1206 W. Gregory, Room 1619.

X. Adjournment

Director Designee Woolery adjourned the meeting at approximately 11:44 a.m. on March 18, 2024.