

Illinois Forensic Science Commission- FIGG Subcommittee

Meeting Minutes

August 29, 2024, 10 a.m. meeting

- I. Call to order
Cris Hughes, subcommittee chairperson, called the meeting to order.

- II. Roll-call
The following people were present:
 1. Claire Dragovich, FS Commission Member, subcommittee member
 2. Jodi Hoos, FS Commission Member, subcommittee member
 3. Cris Hughes, FS Commission Member, subcommittee chairperson
 4. Jeanne Richeal, FS Commission Member, subcommittee member
 5. Amy Watroba, Executive Director-Forensic Science Commission
 6. Robin Woolery, Director Designee, subcommittee member
 7. Matthew Gamette, Laboratory System Director-Idaho State Police Forensic Services
 8. Trish Oberweis, Southern Illinois University

- III. Approval of Minutes from Meeting on July 25, 2024
 1. The minutes from the July 25, 2024 meeting were unanimously approved.

- IV. Discussion Topics- Presentation from Matthew Gamette, Laboratory System Director- Idaho State Police Forensic Services
 1. Mr. Gamette introduced himself and explained his role at Idaho State Police Forensic Services, which is the full-service lab for the state of Idaho. He also described the other organizations he is involved with related to FIGG.

 2. First, he serves as the volunteer chair for CFSO (Consortium of Forensic Science Organizations), which is a group of 6-7 major forensic science organizations. The CFSO is lobbying for federal funding for implementation of FIGG. One federal bill that would provide funding for FIGG is the Carla Walker Act. The Act would provide \$5M in grant funding to outsource testing to private labs and another \$5M for implementation of FIGG into public labs. Mr. Gamette explained that the ultimate goal is to transfer FIGG (the lab work component of FIGG) and IGG (the investigative component of FIGG) to public lab systems and law enforcement agencies.

 3. Second, Mr. Gamette founded and serves as chair of the NTVIC (National Technology and Validation Implementation Collaborative). NTVIC works to assist with implementation of technology into labs in the most expeditious and best ways possible. NTVIC addresses topics including procedures, validations,

continuing education for forensic scientists, and contracts with private entities. NTVIC has 3 groups: FIGG, 3D Firearms, and Rapid DNA. They are adding a fourth group that will focus on single cell DNA. NTVIC already has published several documents related to FIGG including documents addressing model legislation and sample MOUs. Mr. Gamette explained the FIGG-related documents currently being written and the subgroups of the FIGG group. One subgroup focuses on best practices for using FIGG and another is looking at the validation of the technology related to FIGG (such as Kintelligence and WGS). The third subgroup focuses on issues related to genealogists. The fourth subgroup currently is working on issues related to contracts with private laboratories. Mr. Gamette discussed the concept of beta labs for developmental validation and the concept of regional collaboration for areas that do not have enough cases to justify bringing FIGG in-house.

4. Dr. Hughes brought up the topic of whether state funding initiatives could help or hinder federal funding opportunities or allocation of resources. Mr. Gamette opined that state funding is insufficient to transition to the technology for FIGG and that federal funding will be a source for things like the purchase of instruments. Each state will likely decide which technologies to bring in-house based on their funding and needs.
5. Mr. Gamette discussed how his jurisdiction identifies cases for FIGG. Currently Idaho has 3 investigators working for the lab to identify potential cases. Their process involves looking at unsolved cases in CODIS without hits and checking to see if DNA remains in any of those cases. Dr. Hughes commented that ISP's Division of Criminal Investigation (DCI) is currently doing an internal review of ISP cases to identify possible candidates for FIGG. She also explained the survey conducted in the Fall of 2023 of outside agencies in Illinois about FIGG, which indicated that outside agencies have a substantial number of cases that may be candidates for FIGG. DD Woolery shared that ISP has already outsourced cases to private labs and eventually plans to bring the testing in-house. Mr. Gamette explained that his lab has a FIGG Team funded by a SAKI grant which is comprised of 9 employees including 3 investigators, 2 data analysts, and a full-time in-house genealogist. SAKI grants will be available again in the Spring and can be used to fund the hiring of investigators and genealogists. Dr. Hughes and Mr. Gamette discussed differences between SAKI grants and BJA cold case grant funds and requirements for each grant application. Mr. Gamette explained that they plan to advocate for more money from more sources in the future to support national implementation of FIGG like what was done with STRs in the past. Ms. Dragovich and Mr. Gamette discussed how labs can use CEBR money for sexual assault kit backlog reduction and apply for SAKI funds to use for different purposes.

6. Dr. Hughes asked about the NTVIC's document addressing genealogists and the concept of genealogist certification by a particular group. Mr. Gamette explained how genealogists and organizations related to genealogists are also developing procedures and best practices related to how genealogists work in the FIGG space moving forward to ensure that the work completed holds up in court. Mr. Gamette discussed the advantages of a model where genealogists are employed in-house by public labs as well as considerations for contracting with outside genealogists. Ms. Watroba raised issues related to whether in-house genealogists should be housed within labs or investigative agencies and Mr. Gamette explained how their model is a hybrid where there is cross-over between employees on the lab side of their organization with the investigative side. He described Idaho's team-based model and how the team meets and interacts to decide how to proceed on each case being considered for FIGG and each case where FIGG is utilized. Mr. Gamette observed that, regardless of where a team member such as a genealogist is located within an agency's structure, it is imperative that they have a reporting structure which holds them accountable and requires them to follow established policies and procedures. Mr. Gamette offered to provide additional information to the subcommittee in the future and left the meeting.
7. The subcommittee had additional discussion about the information provided by Mr. Gamette. Ms. Dragovich noted that it will not make sense from a financial perspective to bring SNP testing in-house in smaller labs such as DuPage County's lab. She explained how DuPage County Lab has assisted with FIGG cases thus far when agencies have approached the lab for case reviews and assistance in determining whether a case is a candidate for FIGG (based on how much DNA extract remains, etc.). She observed that the onus is largely on the lab's law enforcement partners to review and identify cases for FIGG because labs do not have investigators. The mere fact that there was a CODIS profile entered without a hit in a case is not enough to determine whether a case is a candidate for FIGG and, thus, the lab is not well-suited to identify candidate cases in the first instance. Ms. Dragovich noted that labs that are actively involved in identifying cases, such as UNT and Idaho, have investigators on staff and/or utilize a team-based approach.
8. DD Woolery described how ISP is currently looking at FIGG. ISP's investigative branch (DCI) is taking the lead on identifying ISP cases for FIGG and outsourcing to a private lab. ISP is working on building a timeline for when ISP anticipates being capable of doing some of the FIGG work in-house. ISP is developing a FIGG team similar to what Mr. Gamette described where DFS would provide an analyst to work with DCI investigators. DD Woolery

anticipates that when genealogists are brought into ISP that they will be on the DCI side of the agency. She also discussed considerations for how ISP could offer their future in-house FIGG services to outside agencies. The Idaho model would not be fit for purpose for Illinois because of the larger number of outside agencies and cases that are likely viable candidates for FIGG. DD Woolery also noted that ISP has many lab mandates related to DNA testing, including prioritizing turnaround time for homicides and sexual assault cases (which are worked within 180 days). She noted the large amount of manpower and time involved in working cold cases and discussed possible options for working with outside agencies, such as ISP assisting with the SNP testing and the agencies handling the IGG or investigative aspects of the FIGG process. Ms. Dragovich noted that Illinois labs push out CODIS hits every day and that some of those cases are not investigated or ultimately prosecuted. She also observed that at the time Ms. Smuts from UNT presented to the subcommittee UNT had not yet had a FIGG case move forward with prosecution.

9. Discussion ensued about the DOJ recommendations for early collaboration with CODIS labs and prosecuting authorities. Ms. Watroba noted that, in addition to being best practice, involving prosecutors and labs early in the process potentially saves time and money because cases that will not be prosecuted, even if FIGG leads are generated, can be identified before samples from those cases are sent to private labs for testing. Dr. Hughes noted that ISP has involved the prosecuting agencies of the in-house cases they have identified as possible grant-funded cases. She further observed that targeting a specific zone may help streamline communication with prosecuting authorities, given that Illinois has 102 county State's Attorneys and other prosecutorial agencies like the Attorney General's Office.
10. Ms. Dragovich asked Dr. Hughes to explain how the University of Illinois is assisting ISP with FIGG-related grant efforts. Dr. Hughes explained that she is assisting with drafting BJA grant applications with two ISP sworn personnel and that a graduate student will help with identifying cases. Dr. Hughes highlighted the importance of best practices in FIGG until there is a centralized mechanism for FIGG cases in Illinois to minimize the risk of missteps by smaller agencies. Ms. Dragovich noted the importance of communication with labs for any law enforcement or prosecutorial office completing grant applications to ensure correct information is included in grant applications.
11. DD Woolery reiterated that centralizing FIGG is a wise approach to ensure best practices are followed. She suggested that the Commission should think about how it could support an effort to streamline and centralize FIGG in Illinois in a way that doesn't result in an unfunded mandate. Ms. Watroba suggested that

utilizing federal money and resources in the short term might be the best course of action while a state-level plan is developed. The idea of the Commission finding a way to educate law enforcement agencies and State's Attorney's Offices about FIGG and the DOJ interim policy was discussed, including the previously-discussed idea of a resource document that could be distributed by the labs to their law enforcement agencies and prosecutorial entities.

12. Ms. Dragovich asked if there is a way to monitor the use of FIGG in Illinois. Ms. Hoos and Ms. Watroba mentioned cases of which they were aware but noted that until a case reaches the appellate level there is no mechanism in place to track that information. Ms. Watroba noted that the FBI tracks FIGG cases and has legal staff dedicated to FIGG, but that she is unsure how comprehensive or complete their tracking data is at this time. Dr. Hughes noted that the FBI might get at least some of its data via reporting requirements tied to federal grant funds and also cases that the FBI is assisting with for FIGG. Ms. Watroba noted that different individuals and groups informally share information about cases at the national level.

13. It was suggested that the subcommittee might want to hear from the Michigan State Police about how they have started implementing FIGG via a pilot program first addressing in-house cases and then reaching out to other agencies. MSP also contracted with a private lab to perform FIGG for a term of years, during which the private lab also is providing training for MSP personnel with the goal of MSP eventually moving FIGG in-house. Ms. Watroba spoke with someone from MSP for background information about their FIGG path and shared that information. Ms. Richeal indicated that she has a contact at MSP to whom she can reach out to see if they would present at a future subcommittee meeting.

14. Dr. Hughes asked for feedback on the idea of utilizing space at the University of Illinois to house an accredited lab for SNP testing and FIGG. Ms. Richeal and Ms. Dragovich explained some of the accreditation, QAS, and outsourcing considerations and obstacles that such a model would trigger.

V. Old Business
None.

VI. New Business
None.

VII. Public Comment

There were no public comments.

VIII. Meeting Schedule

The next meeting will be scheduled via Doodle Poll and will be held via Web Ex.

IX. Adjournment

The meeting was adjourned at approximately 11:33 a.m.