

Illinois Forensic Science Commission

Meeting Minutes

16 September 2024

I. **Call to order**

Illinois State Police Director Brendan Kelly, Commission Chairperson, called to order the meeting of the Illinois Forensic Science Commission at approximately 10:05 a.m., on September 16, 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 Web Ex.

II. **Roll-call**

1. The following Forensic Science Commission Members and staff were present:

1. Brendan Kelly, Chairperson
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. Dr. Cris Hughes, Member
10. Phil Kinsey, Member
11. Jeanne Richeal, Member
12. Caryn Tucker, Member
13. Carrie Ward, Member
14. Amy Watroba, Executive Director
15. Robin Woolery, Director Designee

2. Quorum confirmed.

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

1. Declan Binninger
2. Sabra Jones
3. Joanne Liu
4. Jennifer Maples
5. Kevin McMahan
6. John Thompson
7. Timothy Tripp

III. **Review/Adoption of the Minutes of June 18, 2024.**

The motion to adopt the Meeting Minutes from the June 18, 2024 Commission meeting was unanimously approved.

IV. **Executive Director Summary**

1. National Forensic Science Week: ED Watroba noted that September 15-21, 2024, is National Forensic Science Week. On behalf of the Commission ED

Watroba recognized and thanked forensic scientists for their hard work and expressed appreciation for what forensic scientists do every day.

2. Outreach: ED Watroba shared that the Illinois Forensic Science Commission was featured on the Linked In page of the National Association of Forensic Science Boards (NAFSB) on August 29th. The Commission was featured in a “State Board Spotlight” post which highlighted the fact that Illinois law requires an annual report of significant non-conformities to the Commission. The post provided a link to the reports on the Commission’s webpage. ED Watroba further shared that the NAFSB is becoming more active as an organization.

ED Watroba provided information about upcoming events she will attend on behalf of the Commission. First, she will attend the NHTSA Toxicology Summit on Sept 24th to discuss topics related to toxicology and safe driving and will report back to the Public Policy Subcommittee as they continue to look at issues related to the DUI statute. Second, she will be attending the ISP Division of Forensic Service’s Agency Symposium on Oct 29th. She will give a presentation about the Commission to introduce the different stakeholders in attendance to the Commission and the Commission’s work. Finally, she will attend the NAFSB annual conference Nov 21st-22nd. ED Watroba shared the tentative agenda and reminded Commission members that they are eligible to join NAFSB and attend the conference. ED Watroba will participate/present at the conference on the topic of “New Boards-Making it work and be successful.” ED Watroba shared that the NAFSB considers Illinois’s Commission to be an “active” state-level forensic science commission at this time.

3. Webpage Updates: ED Watroba shared that the Commission’s informational video is in the final stages of production and that it will be shared with the Training and Career Development Subcommittee for final review and then posted on the Commission’s webpage. The other video projects will be discussed later in the meeting during the subcommittee reports. ED Watroba also continues to work on content for the webpage to add more information about the Commission and Commission members and indicated that she would be reaching out to members from whom she still needs headshots and brief biographical summaries. One goal of building out the webpage is to compile information about the Commission that is accessible to the public and transparent.
4. Legal Update: ED Watroba explained that *Smith v. Arizona* was decided shortly after the last Commission meeting. The slip opinion was sent to Commission members via email. ED Watroba provided a summary document prepared by the Consortium of Forensic Science Organizations (CFSO) which summarizes the decision as well as the web address for the CFSO webpage that will provide updates and links to court decisions applying the holding in *Smith*. ED Watroba also monitors Illinois appellate and supreme court case law daily and she will update the Commission if any Illinois cases are decided related to *Smith*. ED Watroba noted that there is established caselaw from the Illinois Supreme Court on the issue of what is “testimonial,” specifically *People v. Leach* and

People v. Barner, which addressed medical examiners and DNA reports, respectively.

Chairperson Kelly asked if anyone was aware of any proposed legislation related to forensic science. ED Watroba talked about the proposed legislation from last session sponsored by Senator Morrison related to the DUI statute which may be re-introduced in the Fall veto session or Spring session. The Impaired Driving Task Force also is working on draft legislation that will propose amendments to the DUI statute. Chairperson Kelly indicated that he had not heard of any other proposed legislation related to forensic science.

V. **Subcommittee Reports**

1. Quality Systems Subcommittee: Claire Dragovich, subcommittee chairperson, explained that the subcommittee is working on a document explaining accreditation which they expect to have ready to present at the December Commission meeting.
2. Training and Career Development Subcommittee: Caryn Tucker, subcommittee chairperson, summarized current subcommittee projects. First, the Commission's informational video project is almost complete. The subcommittee will review the completed video and it will be posted on the Commission's webpage. Second, the subcommittee is creating the content for the laboratory systems video. Third, work on the video project related to the different sections within the lab systems has been paused while the subcommittee considers projects related to Discussion Item 4 on the agenda.

The subcommittee has discussed additional projects aimed at assisting forensic scientists in Illinois. One project identified is the creation of an ethics training module that could be used by all laboratories to provide annual ethics training for forensic scientists. The subcommittee also has discussed identifying ways that the Commission could help forensic scientists stay current in their fields and maintain contacts in the larger forensic science community.

Chairperson Kelly thanked the subcommittee members for meeting frequently and working through issues related to Discussion Item 4 before today's meeting so that the Commission can continue to move forward on developing a plan for external training initiatives. Chairperson Kelly noted that there is a need for training for the consumers of forensic science and that the Commission is well-positioned to address this need. External training initiatives also will showcase the substantive work of the Commission.

3. Public Policy Subcommittee: John Hanlon, subcommittee chairperson, explained that the subcommittee continues to examine issues related to the DUI statute and is currently focusing on the 2-hour sample collection window for per se DUI cannabis cases. Mr. Hanlon provided details regarding the guests and speakers who have presented to the subcommittee on the topic of

the 2-hour sample collection window. Mr. Hanlon explained that consensus in the subcommittee is that there currently is no scientific information which would warrant a Commission recommendation to statutorily change the 2-hour collection window. He noted that there may be policy reasons to support a legislative change from law enforcement's perspective but there is nothing from a scientific basis that would warrant the Commission making a recommendation or supporting any such legislative proposals at this time. The subcommittee's next step on this issue is to draft a document explaining the work and position of the subcommittee for Commission review. ED Watroba stated that preliminary discussions regarding the document have taken place and that it will be responsive to the Commission's charge from the DUI Cannabis Task Force and may be a resource document outlining where the scientific community currently stands on the topic of blood sample collection time and correlation with cannabis impairment. The statement could be posted on the Commission's webpage and serve as a resource for stakeholders and legislators considering proposed amendments to the DUI statute. The subcommittee hopes to have the document completed for the next Commission meeting so that it can be discussed and possibly approved as an agenda item.

4. Technology Subcommittee: Jeff Buford, subcommittee chairperson, reported that the subcommittee completed Phase 2, where the subcommittee studied and heard presentations from subject matter experts in various disciplines about current and emerging technologies. The subcommittee is preparing a summary report for the Commission on the information gathered about the core disciplines during Phase 2. The summary report will detail which technologies the subcommittee is looking to implement or research further. The subcommittee also has discussed strategies for future projects. The subcommittee plans to next examine the LIMS systems utilized by each agency and to study AI and machine learning. The subcommittee has started the vetting process to identify what articles and training opportunities are available related to AI and forensics and plans to get more information from the NAFSB annual conference where AI and forensics is on the agenda.

DD Woolery suggested that the subcommittee reach out to the NTVIC subcommittee if they need further resources for 3D firearms and noted that ISP Lab Director Bill Demuth serves on that group. Mr. Buford shared that the summary report includes information about virtual comparison microscopy that is being vetted by firearms subject matter experts at ISP and Mr. Kinsey shared that NIRCL is in the process of obtaining equipment. Ms. Tucker explained the scanning system which allows an examiner to take a 3D topographical image and use a 3D software to review that image as an examiner. There is no AI component to that process. She further explained that the ultimate goal of using 3D technology in the discipline is to provide a statistical analysis like a likelihood ratio and that there will be some AI involved when the discipline starts providing that type of analysis. Ms. Tucker explained that firearms examination will still involve examination and a subjective opinion by a trained examiner but eventually will additionally

provide a likelihood ratio against a ground truth database. The field is collectively working on the ground truth database.

Ms. Dragovich suggested that any examination of AI begin with a discussion of what is properly characterized as “AI” in the practice of forensic science because there is a difference between using algorithms and machine learning. Mr. Buford agreed that “AI” has to be clearly defined in the forensic science context because it is important to distinguish between what is and is not “AI” in each discipline. Discussion ensued about what constitutes “AI” in forensic science and how the term “AI” is used colloquially by the public. Chairperson Kelly suggested that the subcommittee consider whether a best practices recommendation might be appropriate related to AI to, in part, make clear that any process in forensic science with an AI component also involves human oversight and decision making. He suggested the NAFSB as a possible resource since the topic of AI is on the agenda for the annual meeting. DD Woolery discussed the strict validation requirements for any use of AI in the forensic science context and noted that human checks and balances will always be required.

5. Forensic Investigative Genetic Genealogy (FIGG) Subcommittee: Subcommittee chairperson Cris Hughes reported that the subcommittee continues to consult with and invite experts from across the country to provide the subcommittee with information about developments related to FIGG and the use of FIGG by different agencies. Recent speakers included a lab director from Idaho who also is involved with NTVIC and the validation coordinator from the University of North Texas Lab. UNT Lab is developing SNPs in their accredited laboratory using two systems. Speakers have also been a valuable resource on the topic of communication between investigative agencies and labs. The subcommittee is considering what resources it could provide to state agencies currently using FIGG or those looking to use FIGG until such time when Illinois has a centralized FIGG program. The subcommittee has identified two state agencies in the Midwest to invite for future meetings.

VI. **Issues for Discussion**

1. Discussion and possible action on posting Delta-9 THC Recommendation on Commission Webpage: ED Watroba prepared a written recommendation summarizing the recommendation previously made by the Commission that a statutory amendment be enacted clarifying that for purposes of Section 11-501(a)(7) and Section 11-501.2(a)(6) of the Illinois Vehicle Code, “tetrahydrocannabinol” means only free delta-9 THC. The purpose of creating the document summarizing the Commission’s recommendation is to make the recommendation available on the Commission’s webpage so that it is available to the public and can be used as a citable resource for proposed legislation in the future. A motion to accept the written recommendation (with one typographical amendment) and to post it on the Commission’s website passed unanimously.

Discussion ensued about what mechanisms are available to let stakeholders and legislators know that the recommendation is available on the Commission's webpage. ED Watroba indicated that she would share the recommendation at the NHTSA Toxicology Summit and the Commission agreed that she should work with ISP's legislative unit to identify ways to share the recommendation with members of the legislature. ISP will not lobby for the Commission. Rather, ED Watroba's interaction with ISP's legislative unit will be consistent with the statutory charge that ISP provide administrative support to the Commission.

2. Discussion and possible action on revised Commission Bylaws: ED Watroba researched the bylaws and policies of other organizations and then examined the Commission's current bylaws to identify where additions and changes to the current bylaws may be needed. She then outlined the purpose and impact of the proposed changes to the Commission's Bylaws.

The first set of proposed changes were intended to clarify issues related to voting and quorum for the Commission and subcommittees.

The second set of proposed changes relate to the Commission's chairperson and possible succession plans for future chairpersons. ED Watroba explained that the Commission's enabling statute provides that the Governor designates the Chairperson from among the members of the Commission. As such, ED Watroba suggested creating a mechanism in the bylaws by which the Commission could make a recommendation to the Governor for future chairpersons. ED Watroba noted that Agenda Item 3 deals with the specifics of recommending that the Governor select a new chairperson for 2025. Chairperson Kelly agreed that the Commission cannot select the chairperson but observed that it can select a vice chairperson and then make a recommendation to the Governor's office that the selected vice chairperson be named as chairperson. The Governor will not be required to accept the Commission's recommendation and the timeline for consideration of any recommendation will be uncertain. The Commission agreed that one word in the proposed bylaws should be changed based on the discussion.

The third set of proposed changes is intended to address the use of the Commission's letterhead and logo. Specifically, the proposed changes give the Executive Director the authority to use the Commission's letterhead and logo in conducting the business of the Commission and give the Executive Director the authority to review and approve requests by Commission members to use the logo on a case-by-case basis. Ms. Dragovich requested clarification on the issue of whether Commission members need to request approval from the Executive Director to use the logo for any purpose and it was agreed that they do. This bright line approach is easier to implement and allows the Executive Director to track Commission outreach events.

The fourth proposed change to the bylaws involves creating a mechanism for the Commission to call additional meetings if needed. ED Watroba provided the example of calling a special meeting during the legislative session (which

takes place mostly in between the Commission's March and June regular meetings) if the Commission wants to weigh in on proposed legislation.

The fifth set of proposed changes adds procedures for a member to resign from the Commission and to report a change in a member's status which impacts their statutory qualification to serve as a member of the Commission.

The motion to accept the proposed bylaws with a noted amendment was unanimously passed via a roll call vote.

3. Discussion and possible action on recommendation for 2025 Commission Chairperson: Discussion took place on how the Commission members might select a person as vice chairperson and make a recommendation to the Governor that the selected individual be designated as chairperson for 2025. Chairperson Kelly explained the procedures involved both for submitting a recommendation to the Governor's office and for the Governor to designate or appoint someone as chairperson. For 2025, the Commission decided by consensus to have members self-nominate or nominate another member through the Executive Director. The Executive Director will then reach out to nominees to see if they are interested. The Executive Director will then share the names of interested nominees with Commission members prior to the next Commission meeting and the Commission members will decide via open voting (either verbal or through an online voting platform) during the December meeting who to designate as vice chairperson/recommend as the next Chairperson. ISP will then provide the administrative support to convey the Commission's recommendation to the Governor's office. Ms. Ward suggested that the recommendation for chairperson should be on the agenda for the September in-person meeting in future years to allow more time for the Governor's office to consider the recommendation.
4. Discussion and possible action on external forensic science training initiatives (forensics and law): Chairperson Kelly noted that, as discussed during the subcommittee report, the Training and Career Development Subcommittee has spent considerable time vetting the possible paths forward for external forensic science training programs and now the Commission can consider action plans based on their recommendations. He opined that, if the Commission moves forward with creating video modules on the fundamentals of the core forensic disciplines that could be used in the future as building blocks or prerequisites for more advanced training, it might be beneficial to partner with an entity such as the University of Illinois that has the technical capabilities to create high quality educational videos. If the Commission partners with a public institution, an intergovernmental agreement (IGA) could address important issues such as content approval and content ownership. Dr. Hughes shared that the University of Illinois has a center for innovation in teaching and learning that helps subject matter experts with video projects directed towards a target audience. DD Woolery and ED Watroba shared information with the Commission about Arizona's Forensic Science Academy and identified those programs as a possible source of information about external trainings and lessons learned about the process of

developing such a program. The Training and Career Development Subcommittee examined Arizona's program in making its recommendations.

ED Watroba provided an update on the topic of a possible IGA as part of this project and clarified that the parties to any IGA would be the Commission and another entity. ISP would not be a party. She summarized the meeting she had with Chairperson Kelly and Professor Leipold from the U of I School of Law and explained that, after that meeting, the subcommittee considered the concepts discussed at the meeting. The subcommittee also identified an additional concept, specifically the creation of recorded videos addressing the fundamentals of the core forensic science disciplines. The subcommittee envisions a pilot project involving videos for approximately 2 disciplines which would be created and posted with open access on the Commission's webpage. Open access would allow any member of the public to watch the videos and would allow for the use of videos for high school, college, or graduate students. The Commission would own the content of the videos and would thus have the ability to regularly review and update video content as needed. Creation of the videos could be a collaborative project involving the Commission, the three lab systems, and an educational entity like the U of I. The subcommittee noted that a fundamentals video pilot project would be good first step for external education initiatives because it would a lighter lift for content creation than an in-person program. Additionally, the videos could then serve as building blocks or prerequisites for future Commission external training initiatives, including in-person programs for lawyers, judges, or law enforcement professionals. A pilot program for videos also would give the Training and Career Development Subcommittee the flexibility to establish a timeline for the project that takes into account other subcommittee projects and priorities.

ED Watroba thanked the members of the Training and Career Development Subcommittee for their extensive work on this topic. Discussion ensued about gauging stakeholder interest in future advanced training programs and issues related to having future programs approved for attorney CLE credit in Illinois. Ms. Baker reiterated that the subcommittee weighed many considerations in deciding to recommend the pilot video project. The subcommittee was cognizant of not wanting to take on too large of a project considering its other initiatives and also discussed how open access videos could reach a larger audience and help market the Commission in addition to providing valuable content to the public. Possible timelines were discussed. Ms. Dragovich noted that videos about the fundamentals of the forensic science disciplines could be very interchangeable and expanded on in the future. Mr. Buford noted that the Technology Subcommittee took a similar approach to content creation for Phases 1 and 2 of their work and the model worked well.

The Commission decided by consensus to accept the subcommittee's recommendation to move forward with the project involving videos on the fundamentals of forensic science for open access posting and use as building blocks for future advanced external education initiatives involving the Commission. ED Watroba indicated that the subcommittee could start work

on content ideas and she would investigate possible options for partnerships on the video creation/technology aspects of the project.

5. Discussion and possible action on scheduling Commission Quarterly Meetings for 2025:

The Commission discussed possible meeting dates and locations and unanimously decided on the following meeting schedule for the 2025 quarterly Commission meetings:

- a) March 12, 2025 at 10 a.m. in Urbana;
- b) June 11, 2025 at 10 a.m. location TBD in Chicago area;
- c) September 10, 2025 at 10 a.m. in Urbana;
- d) December 10, 2025 at 10 a.m. on Web Ex.

VII. **Housekeeping Items**

DD Woolery reminded Commission members to complete their annual online training modules before the end of the calendar year. ED Watroba will work on getting those lists transferred to her office to help facilitate completion of annual training by Commission members.

VIII. **Public Comment**

Kevin McMahon from the DuPage County Public Defender's Office inquired about the ISP Symposium. DD Woolery said that she would provide him with details via the email address he provided in the chat.

IX. **Meeting Schedule**

The next meeting is scheduled at 10:00 a.m., on Monday, December 16, 2024, on Web Ex.

X. **Adjournment**

Chairperson Kelly adjourned the meeting at approximately 12:09 p.m. on September 16, 2024.