

# Illinois Forensic Science Commission

## Quality Systems Subcommittee

### Meeting Minutes

October 9, 2025, 2:00 p.m. meeting

- I. Call to order  
Subcommittee Chairperson Claire Dragovich, called the meeting to order at approximately 2:00 p.m. The meeting was held via Web Ex.
- II. Roll-call  
The following people were present:
  1. Claire Dragovich, FS Commission Member, Subcommittee Chairperson
  2. Jillian Baker, FS Commission Member, Subcommittee Member
  3. Jeffrey Buford, FS Commission Member, Subcommittee Member
  4. Judge Art Hill (ret.), FS Commission Member, Subcommittee Member
  5. Frances KammueLLer, Subcommittee Member
  6. Joanne Liu, Subcommittee Member
  7. Amy Watroba, Executive Director-Forensic Science Commission
  8. Maya Dukmasova\*
  9. Kevin McMahon
  10. Larry Shelton
  11. Lindsay Simpson
  12. Timothy Tripp(\*denotes individuals who joined meeting after roll-call)
- III. Review of Minutes:
  1. The minutes from the September 4, 2025, subcommittee meeting were approved with two noted typographical corrections.
- IV. Discussion: Continued Discussion on Investigative Report Regarding the University of Illinois Chicago Analytical Forensic Testing Laboratory issued May 28, 2025.

Ms. Dragovich noted that the subcommittee is continuing its discussion of the Investigative Report issued by UIC related to AFTL. Ms. Watroba shared the UIC Report to facilitate review. The subcommittee continued its page-by-page review of the UIC Report to identify issues and questions beginning at the middle of page 21 with subsection D.

AFTL results reporting quantitative values of Delta-9 may be scientifically reliable despite the flawed methodology, and reliability should be evaluated on a case-by-case basis. (pages 21-22):

- Subsection D. on page 21 of the UIC Report acknowledges that AFTL did not use the proper gradient as part of its standard methodology for the quantitation of Delta-9. It further acknowledges that, as a result, AFTL did not as a matter of course separate Delta-8 and Delta-9 to baseline. The UIC Report then argues that AFTL's Delta-9 quantitation results were not necessarily unreliable. In support of this conclusion, the Report states that the methodologies allowed for some separation which, although not complete, may provide qualitatively significant data that when reviewed on a case-by-case basis may be determinative of whether Delta-8 could have been present in a given sample. The Report notes that the LC/MS #2 instrument generates retention times and ion ratios. The Report also states that the shape of a Delta-9 peak, along with the appearance or lack of any "hump" or "shoulder," may provide information regarding the presence and/or potential interference of Delta-8 in a given sample.
- The subcommittee noted that previous sections of the Report acknowledged that AFTL's methodology was unable to distinguish between Delta-8 and Delta-9 and that the Lab did not think that posed a problem. The subcommittee discussed the fact that defense attorneys requested validations and documentation demonstrating that AFTL's methodology could distinguish between the two isomers and that AFTL was unable to provide any such documentation. The Report seems to argue that, despite the fact that there was nothing in AFTL's written policies or in the UIC Report explaining how information in the data could be used to distinguish between the isomers, information in the data can be used to distinguish between the isomers. It is unclear whether AFTL was assessing any of the referenced "information" in the data to make determinations that Delta-8 was not present in samples. In short, this section is ambiguous on whether it is discussing past practice or suggesting that hypothetically they could go back and look at past data and make a determination about whether Delta-8 was present in a sample.
- It again was noted that the Report was written by lawyers and that the Report uses "reliable" instead of "accurate" and "may" instead of "can" in this section. It also was noted that this section of the Report seems to express the sentiment that the deficiencies in AFTL's methodology did not impact its results. This section of the Report fails to acknowledge that analysts testified in court proceedings regarding the results reported from admittedly deficient methodology and that prosecutors and defendants relied on reported results in contested matters like motions and trials and decisions regarding pleas.

- The next paragraphs in the UIC Report discuss “external evidence that may be relevant in confirming, on a case-by-case basis, whether a Delta-9 quantitation result is reliable or whether there is the potential for inflation by coexisting Delta-8.” (Report at 21-22) Two types of “external evidence” are discussed: the time frame of the case with respect to the commercial availability of Delta-8 products and “evidence regarding an individual’s THC consumption.” (Report at 22)
- The subcommittee discussed the fact that this section of the Report reads more like a legal argument and is incorrect from the standpoint of an analytical testing lab. The fact remains that AFTL issued reports identifying Delta-9 when the lab admittedly did not know if those results were accurate because the lab did not know if Delta-8 was present and impacted the reported quant results. The paragraph outlining external information about a case (such as whether there is evidence that an individual smoked plant-based marijuana) completely misses the mark in several ways. The paragraph is unclear about whose “case file” would contain such information. Labs, law enforcement agencies, and prosecutor’s offices all have case files. It was noted that it is inappropriate for labs to consider any such information in conducting testing. Even if a lab is aware of such external information, it is inappropriate for an analytical lab to make assumptions for testing or reporting purposes based on circumstantial information. Anecdotally, it was noted that drug chemists have seen green plant material with levels of Delta-8, contrary to the UIC Report’s suggestion that assumptions about the possible presence of Delta-8 in plant-based cannabis can be made. This paragraph also fails to account for cases where the reported quant amounts were at or near the legal threshold for Delta-9.
- The subcommittee disagreed with the conclusion in this section of the UIC Report that, although AFTL’s testing methodology was flawed, the results cannot be summarily dismissed as inherently inaccurate or unreliable based on qualitative data and external information in a particular case. Labs should not look at external evidence in the manner suggested when reporting out the presence and amount of a substance in a sample. This section again reads like legal argument possibly intended to minimize liability and/or justify why amended reports were not issued by AFTL for all potentially impacted cases when the deficiency in testing methodology was discovered.

The March 2024 CAPA was insufficient for what it was designed to test, and its conclusions are overbroad, incomplete, and misleading. (pages 23-25):

- The subcommittee noted that a limited one-sample run is sufficient as a flag to identify a Significant Non-Conformity. The discussion in this section of the UIC Report suggests that the authors possibly at a base level do not understand the corrective action process as defined in the ISO standard or within the forensic

science community. The authors' critique of the CAPA in essence contradicts their support of the test results in previous paragraphs.

- The subcommittee noted that additional samples should have been run to investigate the scope of the issue with the methodology. It is true that AFTL did not know how many cases possibly were impacted by the flawed methodology because of AFTL's inaction. AFTL also would have no way of knowing whether, as the UIC Report states, whether it would be atypical to have a sample that was 50/50 Delta-8 and Delta-9 because the lab did not have a method which was suitable for separating the two isomers. Additionally, based on the 50/50 test run AFTL would have had issues separating out the isomers in other samples, such as 90/10 because the 10 could be hidden by the 90. A corrective action following the 50/50 test run would have proceeded with a plan to assess how the methodology performed with other sample concentrations.
- While the DuPage Lab does not perform quantitation for cannabis, it was noted that the lab has seen green plant material where the predominate cannabinoid identified was Delta-8, where the amounts of Delta-8 and Delta-9 are about equal, and where Delta-9 was predominate but Delta-8 was present. Since AFTL was a stand-alone toxicology lab it missed getting data from a seized drug section about what types of drugs are recovered on the streets. There are many benefits to conversations between toxicology and drug chemistry sections about what they are seeing so both sections know what substances are out there.
- The next paragraph in the UIC Report concludes that the 2024 CAPA's conclusion that AFTL is "'unable to distinguish between [Delta-8 and Delta-9] using current methods' is problematic in two significant respects." (Report at 23) First, the UIC Report opines that it was "overbroad and inaccurate to conclude, based on that single run, that AFTL's methodologies could not distinguish between Delta-8 and Delta-9 *at all*." (Report at 24) The subcommittee again noted that the Report was written by lawyers and seems to suggest and attempt to reassure the reader that it was okay that AFTL could not separate Delta-8 and Delta-9 because you can take into account the fact that Delta-8 allegedly was not readily available and that most people only smoke substances containing Delta-9. This, however, is not scientific. The subcommittee discussed the fact that the only corrective action taken apparently was the general notification to clients that the reported test results may be inaccurate due to the flawed methodologies. The CAPA was completed after AFTL had ceased human toxicological testing and thus there was no follow up on method development based on the red flag raised by the 2024 CAPA. Since AFTL was no longer providing the service presumably there was no mechanism for AFTL to reanalyze the samples. Developing a new method was moot at that point in time.

- Second, the UIC Report opines that the 2024 CAPA conclusion was incomplete and that additional test runs should have been completed using different concentrations of the two isomers. The subcommittee noted that this paragraph again relies on the assumption that AFTL would have been unlikely to encounter case samples with equal concentrations of Delta-8 and Delta-9, but AFTL had no way of knowing what concentrations existed in their “real world samples” because the lab did not have a methodology that could resolve the two isomers. The Report continues to provide unscientific reasons for why the 2024 CAPA results were not important in this section. A toxicologist participating in the meeting noted that baseline separation is important if a lab is quantifying because if there is overlap the quant value can be inaccurate.
- The subcommittee observed that it is a fact that AFTL did not and could not know how many cases could have been affected by the flawed methodology. Thus, the UIC Report’s suggestion that the CAPA’s statement that “it is unknown how many cases this may have affected’ could be misconstrued” is nonsensical. (Report at 24) The subcommittee observed that the UIC Report found that AFTL did not have a methodology which was suitable to resolve the two isomers. Additionally, the 2021 limited test run also showed an inability to separate Delta-8 and Delta-9. Thus, AFTL had the results of two test runs which consistently showed the lab had a problem separating the two isomers.

The Investigative Team found no evidence that AFTL was aware of inaccurate test results and failed to disclose this information to law enforcement and prosecuting authorities in violation of disclosures obligations. (pages 25-27):

- The first paragraph of this section essentially restates the heading. The subcommittee stressed that the second paragraph of this section is flawed. The subcommittee noted that the UIC Report references emails where AFTL personnel stated that AFTL was unable to resolve the two isomers at some point in time after the March 2021 Test Run. The subcommittee discussed the possibility that AFTL continued to use the same methodology knowing that it was flawed and the possibility that there were internal discussions about topics such as looking for bumps or peaks and assuming no Delta-8 was present if those were not seen. It was noted that, if there were internal discussions about looking for certain things in data and if the lab wanted to make sure all analysts were taking certain steps when assessing data, then those steps should have been documented as part of the lab’s SOPs.
- The subsequent paragraphs in this section of the UIC Report argue that the March 2021 Test Run was of minimal value and address the issue of what AFTL personnel did after the March 2021 Test Run was completed. The UIC Report states that the lab analysts interviewed by the Investigative Team were not aware of the results of the March 2021 Test Run and that there is no evidence that the results of the March 2021 Test Run or their significance were discussed

internally by AFTL leadership (i.e., Dr. Larsen, Mr. Heffron, Ms. Bash). (Report at 26) The UIC Report acknowledges an email exchange in March of 2023 involving Dr. Larsen where Dr. Larsen stated that he recalled that the March 2021 data showed a lack of separation between Delta-8 and Delta-9. (Report at 26) The subcommittee discussed this email exchange and noted that more information regarding this email exchange may be found in the Injustice Watch article.

- The UIC Report generally describes other emails where AFTL personnel indicated that AFTL could separate the two isomers. According to the UIC Report, a September 2023 email from an analyst stated that AFTL could distinguish between Delta-8 and Delta-9 and that the analyst was working on developing further related methodologies. Footnote 9 on page 26 of the UIC Report states, however, that the Investigative Team found no evidence of the work to which the analyst referred. (Report at 26) The UIC Report states that the analyst (Ms. Bash) declined numerous requests from the Investigative Team to be interviewed. (Report at 26)
- The subcommittee noted that in this section of the UIC Report, the authors summarize emails without providing specific information such as dates or quotations. In contrast, quotations from emails are provided in earlier sections of the UIC Report. The UIC Report argues that email correspondence referencing the March 2021 Test Run and generally discussing the issues of separating Delta-8 from Delta-9 “may provide some insight into how AFTL viewed the March 2021 results and the efficacy of its methodologies, but there is limited context and the messages communicated in the emails are at times contradictory, or at the very least, open to interpretation.” (Report at 26)
- The subcommittee discussed the fact that, in the “best case scenario,” it did not register with AFTL in 2021 that there was a problem with the lab reporting Delta-9 quantitative results after the March 2021 Test Run. This conclusion is questionable, however, given the fact that AFTL was aware of ISP’s issue with its methodology and the fact that AFTL conducted a test run in 2021. If AFTL did not think there was a possible issue with its methodology, there would be no reason to conduct a test run. And, the results of the March 2021 Test Run then showed a lack of separation, which AFTL recognized but did nothing about. The UIC Report does not provide information about or clear up the issue of the thought process of AFTL personnel in deciding how to act in 2021. The UIC Report nonetheless argues that the “lack of consensus as to what, if anything, AFTL learned or did as a result of the March 2021 testing or the other discussions regarding separation of Delta-8 suggests that AFTL did not know its methodologies were flawed.” (Report at 26)
- The subcommittee discussed the possibility that there was internal disagreement between the AFTL lab director and analyst(s) and/or the quality

manager regarding whether AFTL's methodologies could separate the two isomers and whether such disagreement could account for the contradictory emails.

- The UIC Report concluded that greater analysis, review, and collaboration was warranted based on the concerns raised by ISP and others related to the separation of the isomers. (Report at 26-27) The UIC Report also concluded that "the lack of any corrective action taken in March 2021 or anytime thereafter suggests either that AFTL was satisfied that it was able to obtain separation, or that it did not appreciate the need to test for, and separate, Delta-8 from Delta-9 once the Delta-8 consumer market emerged. It is also possible that AFTL's leadership simply did not review the results of the March 2021 Test Run for the purpose of evaluating its THC testing methodologies." (Report at 27) The subcommittee noted the inconsistency in this statement where, as the UIC Report discussed in previous paragraphs, lab director Dr. Larsen referred to the 2021 Test Run, and recalled that it showed a lack of separation, in a 2023 email exchange.
- The UIC Report next states, "To be clear, AFTL leadership missed the significance of the issue when legitimate concerns were first raised by the ISP in 2021, and thereafter as increased discussion was taking place in the scientific community regarding the need to separate Delta-8 and Delta-9. Greater attention to and clarification regarding this issue by AFTL leadership was warranted. However, the fact that AFTL missed the significance of this issue does not support the allegations that AFTL knew its methodologies and/or test results were flawed and suppressed that knowledge from law enforcement or prosecuting authorities. The Investigative Team found no evidence of an intentional or deliberate attempt to mislead or report flawed test results. Rather, the Investigative Team found a fundamental lack of attention to the impact of the evolving Delta-8 consumer market to its THC testing methodologies." (Report at 27) The subcommittee noted that the UIC Report authors again tie the issue back to the Delta-8 market rather than AFTL's methodology or what other labs were doing with their methodologies. It also was noted that the UIC Report does not outline every specific allegation made but rather summarizes allegations. Allegations related to the propriety of AFTL's urine testing are not addressed in this section of the UIC Report. This section only discusses the Delta-8/Delta-9 separation issue.

Allegations that AFTL performed testing on human biological samples without being properly accredited are unfounded. (pages 27-28):

- This section discusses the fact that AFTL was accredited, summarizes what accreditation is, and outlines AFTL's accreditation history for human testing. The UIC Report states AFTL was properly accredited by ANAB for forensic testing of human samples through February 5, 2024, when AFTL terminated its

human testing services. The subcommittee discussed the fact that when a lab is accredited its status can be checked online. AFTL's human toxicology accreditation information is no longer online because the lab is no longer accredited for human testing.

The Investigative Team found no evidence to suggest that AFTL analysts knowingly provided false testimony in criminal proceedings. (pages 28-30):

- According to the UIC Report, a certain analyst was the primary analyst to provide testimony in criminal proceedings, and in particular, criminal proceedings involving AFTL's Delta-9 quantitation results. Three additional analysts also testified in criminal cases on a more limited basis. Two analysts did not testify in any matter stemming from their employment at AFTL, as of the date of the UIC Report. (Report at 28-29)
- The UIC Report states, "based on its review of all of the material and its interviews with cooperating witnesses, the Investigative Team found no evidence to indicate that any AFTL analyst knowingly provided false testimony regarding AFTL's Delta-9 quantitation results in a criminal proceeding." (Report at 29) The subcommittee observed that it would be helpful to know what materials the Investigative Team reviewed to reach this conclusion, specifically whether they looked at transcripts and testing reports to evaluate what analysts said in court proceedings.
- The UIC Report discusses an occasion where "ANAB raised an allegation, through its audit process" that an analyst gave "untruthful, inaccurate, and unqualified testimony." The allegation of "inaccurate and unqualified" testimony was based on "communications and testimony" in which the analyst used the term "scientifically under the influence" when discussing test results. (Report at 29) ANAB determined that "the allegations related to inaccurate and unqualified testimony have merit." (Report at 29) According to the UIC Report, ANAB found the communications/testimony problematic because the phrase used by the analyst "could reasonably be misunderstood as meaning 'impairment'" and because the testifying analyst was not qualified to make a determination about impairment because the timeframe during which an individual consumed THC can vary based on frequency of use. (Report at 29) The subcommittee discussed the fact that this finding was the subject of the second Significant Non-Conformity that AFTL included in its 2024 Report of SNCs to the Commission. The subcommittee also discussed the fact that, as scientists, it is important to stay in the appropriate lane during testimony even when litigants may want a scientist to testify outside their appropriate area of expertise or accepted limitations. It was noted that there are guidance documents in the toxicology community that specifically address the issue of appropriate testimony related to impairment. Toxicologists also receive training at regional toxicology meetings addressing this issue. Toxicologists



cannot testify about a person's impairment except in the circumstances accepted within the toxicology community.

- The UIC Report then states that “ANAB determined that the specific allegation of ‘untruthful testimony’ was ‘without merit.’ That allegation related to testimony regarding the chemical composition of Delta-9 in urine. ANAB determined that [the analyst] did not provide untruthful testimony because ‘[t]he law is silent on the form of [Delta-9], thereby treating conjugated and free [Delta-9] the same in urine.” (Report at 29) The subcommittee observed that anyone who has spoken on this topic to the Commission in the past has agreed that Illinois DUI law does not expressly include urine for testing of Delta-9. Also, the DUI statute defines THC as Delta-9 THC. The statute does not define THC as Delta-9 THC and all of its conjugates. Disagreement with ANAB’s finding on this point was noted.
- The UIC Report notes that “none of the allegations raised by ANAB related in any way to the allegations regarding AFTL’s THC methodologies and lab results.” (Report at 29) The UIC Report further notes that the Investigative Team’s numerous attempts to interview the analyst at issue were unsuccessful and that the Investigative Team believes that the investigation would be more complete if the analyst cooperated with the investigation because the analyst was the lead analyst during the relevant time period, reported directly to lab director Dr. Larsen, and the analyst trained other analysts in the relevant methodologies. (Report at 29-30) The UIC Report concluded that, based upon the documents reviewed and the witnesses interviewed, “there is no evidence to support the allegation that [the analyst] knowingly provided false or inaccurate testimony in any criminal proceeding.” (Report at 30)

The subcommittee ended discussion for this meeting in the middle of page 30 of the UIC Report. At the next meeting discussion will resume at subsection I. on page 30.

- V. Old Business  
None.
- VI. New Business  
None.
- VII. Public Comment  
No public comment offered.
- VIII. Next Meeting/Adjournment

The next meeting will be scheduled via Doodle Poll. Meeting adjourned at approximately 2:55 p.m.