

Illinois Forensic Science Commission- Public Policy Subcommittee

Meeting Minutes

December 1, 2023, 11:45 a.m. meeting

I. Call to order

John Hanlon, chairperson of the subcommittee called the meeting to order. The meeting was held via WebEx.

II. Roll-call

The following people were present:

1. John Hanlon, FS Commission Member, subcommittee chairperson
2. Jillian Baker, FS Commission Member, subcommittee member
3. Claire Dragovich, FS Commission Member, subcommittee member
4. Cris Hughes, FS Commission Member, subcommittee member
5. Carrie Ward, FS Commission Member, subcommittee member
6. Brittany Alston, Illinois State Police
7. Joe Hutchins, Illinois State Police
8. Amy Watroba, member of the public

III. Discussion and plan regarding the issue of the 2-hour collection limit on DUIs/accidents Cannabis Impairment

1. Chairperson John Hanlon first summarized the change in composition of the subcommittee, due to the loss of Commissioner Dan Wright, who left the Commission because he became a judge, as well as possible addition of new Commission members to the subcommittee in the future.
2. Claire Dragovich suggested reaching out to the new Technical Leader of Toxicology for the Illinois State Police regarding his availability to answer the subcommittee's questions regarding the 2-hour collection limit issue. Ms. Dragovich stated that she would reach out to the former TL (Shannon George) and the new TL regarding scheduling.
3. Mr. Hanlon indicated that he would like to hear from other people in the field before making recommendations on this issue.
4. Group tentatively agreed to meet again on December 15, 2023 at 11:45 a.m. if speakers are available for that date.
5. Mr. Hanlon noted concerns previously raised before the subcommittee that any changes to the 2-hour collection window could have unexpected adverse consequences.

- IV. Discussion and plan regarding the issue of DUI/Cannabis
 1. Mr. Hanlon suggested soliciting additional testimony from experts on this issue before making a recommendation.

- V. Update on any other substantive issues previously discussed
 1. Mr. Hanlon discussed the topic of how the Commission might stay informed and current on pending litigation of interest to the Commission and subcommittee. Mr. Hutchins indicated that legislative updates will be available soon via ISP's website, including bills that would be of interest to the Commission.
 2. Mr. Hanlon noted that HB 1168- regarding victim's DNA is currently stalled.
 3. Ms. Alston noted that the subcommittee needed to approve previous minutes during the meeting and Mr. Hanlon indicated that the action would be taken later in the meeting.
 4. Ms. Hughes brought up the topic of Investigative Genetic Genealogy (IGG or FIGG) in Illinois and discussed the partnership between the University of Illinois-Urbana Champaign and the Illinois State Police on the topic. Ms. Hughes briefly explained FIGG and the differences between familial DNA searching, CODIS searching, and FIGG searching. Ms. Hughes explained that a survey was recently conducted regarding status and needs for this new technology in Illinois. Ms. Hughes brought up the idea of having a subcommittee dedicated to FIGG, possibly as a sub-set of the public policy subcommittee.
 5. Mr. Hanlon asked a question regarding whether FIGG searches are done on an ongoing basis or only after a crime is committed. Ms. Hughes responded that searches are conducted on a case-by-case basis and summarized what agencies might consider before proceeding with FIGG in a particular case.
 6. Ms. Dragovich discussed a presentation she watched from the Michigan State Police regarding how that agency funds FIGG testing and their development of policies and procedures related to FIGG. Ms. Dragovich shared that DuPage County agencies had used FIGG with both successful and unsuccessful resolutions in different cases. Ms. Dragovich also discussed the difference between FIGG and familial searching.
 7. Ms. Hughes suggested that a sub-committee might be formed from the Commission at-large on the topic of FIGG. Ms. Dragovich raised the question of how a Commission subcommittee would work in light of the fact that ISP is already working with UIUC on the topic of FIGG in some capacity and ideas were then discussed.
 8. Mr. Hanlon raised the question of whether FIGG has been subject to a *Frye* or *Daubert* hearing. Public participant Amy Watroba indicated that she could speak to that question and stated that to her knowledge it has not and that is

because “FIGG” is not used in court, but rather is an investigative tool that is used during an investigation. If and when an investigation gets to a point where a suspect is identified, a confirmatory STR sample is obtained and compared to the unknown forensic sample and the STR analysis and comparison is the evidence that is used at trial. Mr. Hanlon raised the question of whether defense attorneys may want to challenge the FIGG used, and Ms. Watroba clarified that she was only speaking to the issue of it being challenged under *Frye* or *Daubert* and that other types of challenges may be or have been raised. Ms. Watroba also noted that FIGG has been used in exoneration cases, not just prosecutions.

9. Mr. Hanlon asked about what the partnership between UIUC and ISP entails and whether ISP is doing FIGG now and Ms. Hughes explained that the partnership is in large part based on research at this point.

VI. Approval of Minutes

Jillian Baker moved to accept the minutes from the previous meeting. Carrie Ward seconded the motion. The motion passed unanimously.

VII. Public Comment

There were no public comments.

VIII. Adjournment

Next meeting was tentatively scheduled for December 15, 2023, at 11:45 a.m.

Carrie Ward moved to adjourn the meeting and Jillian Baker seconded the motion. Motion carried unanimously.