

Illinois Forensic Science Commission- Public Policy Subcommittee

Meeting Minutes

March 8, 2024, 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. Amy Watroba, Executive Director-FS Commission
7. Sabra Jones, Regional Toxicology Liaison NHTSA Region 5

III. Review/Adoption of the Minutes

1. The Meeting Minutes of 12/1/23 were adopted by unanimous vote.
2. The Meeting Minutes of 2/23/24 were adopted by unanimous vote.

IV. Cannabis Impairment

1. Claire Dragovich provided an overview of the issue and a summary of the information provided at the last meeting. Ms. Dragovich explained that when cannabis is consumed, the psychoactive component Delta-9 THC is found in the user's blood. Over time the body metabolizes the active Delta-9 THC into inactive metabolites which can be found in urine for up to 25 days after last consumption. In Illinois, the DUI Delta-9 THC *per se* law controls if a person has 5 ng/mL of Delta-9 THC in blood or 10 ng/mL of Delta-9 THC in other bodily substance. Ms. Dragovich stated that, given the fact that the Illinois legislature de-criminalized the use of cannabis, it seems unlikely that the legislature intended for an inactive metabolite that can be found in urine up to 25 days after past cannabis use to be used to prosecute for DUI impairment.
2. Ms. Dragovich moved that the subcommittee vote to recommend to the Commission that the Commission issue a letter of support to revise the

language in the state statute which would hopefully reduce any confusion that the current language poses to the users.

3. Cris Hughes asked about whether anyone was working with Senator Morrison on this issue. Ms. Dragovich explained that NIRCL had been working with Senator Morrison on possible legislation. Ms. Dragovich clarified that she was not recommending that the subcommittee recommend the Commission support any specific language, but rather that the subcommittee recommend that the Commission support a revision to the existing statute consistent with the subcommittee's concern regarding confusion with the current language.
4. Amy Watroba commented that since she started in the new position of Executive Director of the Commission, one of her jobs will be to speak on behalf of the Commission and that not recommending specific language would give her leeway to take any action in support of legislative amendments and work with other stakeholders to further the Commission's position on the issue as the legislative process progresses.
5. Carrie Ward commented that she liked the idea of supporting a language change without committing to specific language put forth by a legislator.
6. Mr. Hanlon asked about the process going forward as to how the Executive Director will interact with the legislature and other stakeholders in support of a legislative amendment. Ms. Watroba explained her understanding of what that interaction might look like and stated that she expected the topic to be addressed at the next Commission meeting. Mr. Hanlon stated that her description made sense given his experience with the legislative process.
7. Mr. Hanlon asked whether there were any case examples that could be used as part of any written recommendation. Ms. Dragovich explained that case examples existed but that she did not think they would be useful in support of the suggested position because they go to a different discussion. Ms. Dragovich stated that the recommendation that the statutory language be amended is from a purely scientific standpoint.
8. Ms. Watroba asked for clarification regarding which issue related to cannabis this proposed position was in relation to, since the subcommittee was looking at several different issues related to the DUI cannabis statutes. Ms. Dragovich clarified that she was only referring to the issue of Delta-9 THC in blood versus metabolites in other bodily substances.
9. Jill Baker seconded the motion and the motion was passed by unanimous vote.
10. Ms. Watroba indicated that she would add this topic to the Forensic Science Commission Meeting agenda for the March 18th meeting and discussed the anticipated logistics of discussing the topic at the Commission meeting.
11. Ms. Watroba clarified that the subcommittee was not making any recommendations today on the two other issues of: 1) whether the amount of Delta-9 THC in the statute should be changed (currently 5 ng/mL blood and 10 ng/mL other bodily substance), and 2) whether the two-hour collection

window should be changed, because the subcommittee feels they need more information on those issues before making any recommendations.

V. Update- Genetic Genealogy

1. Ms. Hughes provided an update on the ISP/UIUC FIGG project and shared thoughts on how the Commission might get involved on the topic of FIGG in the future. One example would be to bring together various stakeholders for discussion. Another example could be to recommend projects related to research and training related to FIGG to help inform Illinois as it moves forward with implementing FIGG.
2. Ms. Dragovich stated that she recently conversed with an agency who obtained SAKI funds and hoped to use some of those funds for FIGG and how the cost of FIGG is a major impediment. Ms. Dragovich stressed the importance of reviewing other possible options in particular cases, such as mitochondrial DNA analysis, before proceeding with FIGG. Ms. Dragovich asked if UIUC is looking to perform the testing. Ms. Hughes stated that they were not planning to do wet lab work and that she thinks the university would excel at things other than testing, including forensic anthropology work in skeletal remains or unidentified remains cases. Ms. Hughes further stated that the university could also help at the state level to follow up for missing and unidentified cases to ensure that everything has been done, such as entry into NaMus, and collecting data about what is and is not working in solving casework to inform next steps. Ms. Dragovich mentioned a recent presentation she saw about the Michigan State Police's approach to FIGG and noted that FIGG is a huge project. Ms. Hughes listed several different agencies and different models being used. Ms. Dragovich suggested the possibility of separating missing persons/unidentified remains cases from traditional "cold" unsolved cases for purposes of tackling this project.
3. Ms. Watroba noted that discussions had taken place at previous meetings about having FIGG covered by a subcommittee. Ms. Watroba pointed out that the Commission has the ability under the statute to create ad hoc committees and pointed out that the public policy subcommittee could recommend to the full Commission that an ad hoc committee be created for FIGG and that it could be put on the March agenda.
4. Mr. Halon requested clarification regarding the meaning of FIGG and Ms. Hughes provided an overview of what FIGG is and how it is used in criminal investigations to help identify the donor of an unknown source sample.
5. Discussion was held on the topic of what goals and concepts that an ad hoc FIGG subcommittee might address. Ms. Dragovich noted that a committee might help with is creating structure for agencies and educational materials for law enforcement agencies regarding using FIGG in their cases and how agencies can work with the forensic labs in Illinois to determine what the best

course for testing might be in particular cases. Ms. Watroba discussed the statutory mandate of the Commission and how a FIGG subcommittee falls within the scope of the Commission's work.

6. Ms. Watroba indicated that she would add the topic of creating an ad hoc subcommittee for FIGG to the agenda for the Commission's quarterly meeting.

VI. Old Business

1. None presented. Mr. Hanlon noted that at future meetings the subcommittee would continue its work on the other issues related to cannabis/DUI.

VII. New Business

1. None presented.

VIII. Public Comment

There were no public comments.

IX. Meeting Schedule

Scheduling the next meeting was postponed until after the March 18, 2024, meeting of the Forensic Science Commission.

X. Adjournment

Subcommittee chairperson John Hanlon adjourned the meeting at approximately 12:45 p.m.