

Illinois Forensic Science Commission

Quality Systems Subcommittee

Meeting Minutes

April 18, 2025, 12:00 p.m. meeting

- I. Call to order
Subcommittee Chairperson Claire Dragovich, called the meeting to order at approximately 12:01 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. Jeffrey Buford, FS Commission Member, Subcommittee Member
 3. Frances Kammuel, NIRCL, Subcommittee Member
 4. Joanne Liu, Illinois State Police, Subcommittee Member
 5. Jillian Baker, FS Commission Member
 6. Amy Watroba, Executive Director-Forensic Science Commission
 7. Maya Dukmasova
 8. Kevin McMahon
 9. Paul Moreschi
 10. Lindsay Simpson, NIRCL
 11. Peter St. Andre, NIRCL
- III. Review of Minutes: The minutes of the February 27, 2025 subcommittee meeting were approved.
- IV. Discussion: Compiling information for and drafting of 2024 Significant Non-Conformity Report for publicly funded ISO 17025 accredited forensic laboratory systems in Illinois.

Ms. Dragovich explained that this meeting is a continuation of the subcommittee's previous meeting during which the subcommittee began reviewing the self-reported significant non-conformities of public funded ISO 17025 accredited forensic laboratories in Illinois. At the last meeting, the subcommittee reviewed the reports submitted by the Northeastern Illinois Regional Crime Laboratory (NIRCL) and the Cook County Medical Examiner's Office (CCMEO). Today the subcommittee will begin with the report from the DuPage County Forensic Science Center, of which Ms. Dragovich is the lab director, and should have time

to also review the report submitted by Analytical Forensic Testing Laboratory (AFTL).

The subcommittee reviewed the submission from the DuPage County Forensic Science Center. There were no questions about the non-conformities or corrective actions as reported and as explained by Ms. Dragovich.

The subcommittee reviewed the submission from the Analytical Forensic Testing Laboratory (AFTL). Ms. Dragovich explained that the report was provided by the current lab director of AFTL. An invitation to attend this meeting was extended to AFTL and was declined. Ms. Dragovich reached out to the AFTL lab director with questions about AFTL's written response, as she did after the subcommittee received the CCMEO's report.

AFTL reported 2 issues for 2024 that resulted in significant non-conformities. Ms. Dragovich read each significant non-conformity as reported by AFTL.

The first non-conformity involved the analysis of THC in blood and urine. It was discovered that the laboratory did not use instrument methods that fully separated the d8 and d9 isomers of THC. Ms. Dragovich asked for more information about the first significant non-conformity because the report described the issue but did not explain the corrective action or if it was effective. As explained to Ms. Dragovich by the AFTL lab director, corrective actions included a letter which was issued to all AFTL clients including State's Attorneys Offices and law enforcement agencies who were impacted over the time range of the issue, which was identified by AFTL as dating back to 2021, and training for staff on how to testify related to the testing issue. Ms. Dragovich confirmed that AFTL did not issue amended or supplemental laboratory reports as part of its corrective action process. Ms. Dragovich commented that staff members who testified after the methodology issue was discovered would have had to explain the meaning of the test results in a way that differed from the issued reports. According to AFTL, the accrediting body (ANAB) accepted their corrective action for this significant non-conformity.

Ms. Dragovich observed that consistent with prior annual reports, the subcommittee can comment on the effectiveness of corrective actions. She submitted that the corrective action as described was not effective because it did not include the issuance of amended reports. Ms. Watroba observed that, based on the last Commission meeting, the subcommittee will continue to monitor the issue of this non-conformity at AFTL. She suggested from a procedural standpoint that the subcommittee consider noting in the annual report that it may issue a supplemental report if more information related to this non-conformity becomes

available later. Ms. Dragovich explained that, as reported in the media, UIC is conducting an internal investigation into this non-conformity. Ms. Dragovich inquired as to the status of that investigation and was told by AFTL that the investigation is not yet complete.

The second reported non-conformity related to an analyst's testimony in a case using the language "scientifically under the influence." The non-conformity was communicated to AFTL based on an anonymous complaint to ANAB that an analyst's language during testimony was inaccurate and misleading. AFTL's accrediting body found that the analyst's communications and testimony in that case regarding "scientifically under the influence" can reasonably be misunderstood as meaning "impairment." Ms. Dragovich asked the lab director at AFTL what corrective actions were taken in response to this non-conformity. The lab director responded that AFTL trained analysts not to use the language during testimony. Ms. Dragovich asked if AFTL identified which case(s) were impacted and AFTL responded that they were unable to determine in which case(s) the analyst testified using the language. No notifications were sent from AFTL to any State's Attorneys Offices regarding the use of this language in testimony. The corrective action was accepted by AFTL's accrediting body (ANAB).

Ms. Kammuehler observed that there should be documentation as to why ANAB deemed the corrective action sufficient. Ms. Dragovich noted that accrediting bodies have confidentiality agreements with the labs they accredit but that the information might be available from AFTL or included in the results of UIC's internal investigation. Ms. Dragovich and Ms. Kammuehler discussed the importance of listing casework impacted by a non-conformity event and then follow-up to ensure that the corrective action was effective. It was noted that AFTL could have notified all State's Attorneys Offices for whom AFTL analysts had ever testified. Ms. Dragovich asked AFTL about its process for testimony monitoring, which included in-person monitoring of analysts the first few times they testified and the sending of court cards to litigants for evaluations in subsequent cases. This presumably was deemed sufficient by AFTL's accrediting body for testimony monitoring.

Ms. Dragovich suggested that the subcommittee at this time does not have objective evidence that the corrective action in response to this non-conformity was reasonable or successful for the purposes of the annual report.

Ms. Dragovich and Ms. Watroba discussed the fact that, as noted in AFTL's letter, AFTL discontinued human testing in 2024 and that the lab at some point in 2024 chose to withdraw their accreditation status for forensic testing. Based on the discussion at the last Commission meeting, the subcommittee may want to

consider the impact of the lab closure and voluntary accreditation withdrawal when examining the processes related to AFTL. Ms. Dragovich additionally noted it is possible that AFTL lab results are being used in prosecutions and that former lab employees could be called to testify in trials. Because of the lab closure/voluntary accreditation withdrawal there would be zero oversight in place for such testimony.

Mr. Buford commented on the submissions from the DuPage County Forensic Science Center and AFTL. Mr. Buford observed that the submission from DuPage County was thorough, included cause analyses, and described effective corrective actions and transparency of steps taken which were appropriate for purposes of the summary report. Mr. Buford observed that the response provided by AFTL included surface-level information and that it would be better if the subcommittee had more objective data to comment on AFTL's reported non-conformities for purposes of the summary report. Discussion ensued regarding the responsibility of the submitting agencies to provide clear, concise, and understandable information regarding non-conformities. Ms. Watroba noted that the subcommittee could discuss the quality of the information provided by the agencies in its summary report, make clear that any comments are based on the information provided, and note any open questions which may exist from the subcommittee's perspective that could be addressed later in a supplemental report if more information becomes available.

V. Old Business
None.

VI. New Business
None.

VII. Public Comment

Peter St. Andre offered public comment about the second non-conformity issue in AFTL's report. Mr. St. Andre commented that he found it hard to believe that there is not a way to obtain transcripts for affected cases to review and determine whether inaccurate testimony was presented.

Kevin McMahon offered public comment via the chat feature due to technical issues with sound on Mr. McMahon's computer. Ms. Watroba read Mr. McMahon's comment from the chat feature, which was related to the first reported non-conformity in AFTL's report. Mr. McMahon wanted to clarify whether AFTL's position is that cases impacted date back to 2021 because of a law change.

Paul Moreschi offered public comment about the first reported non-conformity in AFTL's report. Mr. Moreschi noted, as did Mr. McMahon, the mention of the issue

relating back to 2021. Mr. Moreschi commented that Illinois DUI law changed with respect to cannabis effective July 29, 2016 when the cannabis any amount prohibition was removed from Section 11-501(a)(6) and a new provision was added (Section 11-501(a)(7)) along with Sections 11-501.2(a)(6) and 11-501.2(b-5). In Mr. Moreschi's view, July 29, 2016, is the date from which forensic testing in Illinois had to be specific for only the delta-9 isomer and no other THC metabolites. In his view, the issue that apparently arose at AFTL in 2024 relates back to any reporting and communications to law enforcement or prosecutors and testimony going back to that date in 2016. Mr. Moreschi stated that looking back to 2021 is too short and that this error could have caused injustice dating back to 2016.

Lindsay Simpson offered public comment asking whether there is any indication when the UIC internal investigation will be completed. Ms. Simpson also suggested that the subcommittee consider inviting a toxicologist to participate in its future discussions related to the issues at AFTL. Ms. Simpson also suggested that the Commission consider developing a complaint process so that issues related to a lab or forensic science could be relayed to the Commission for investigation. Ms. Simpson noted that some other state-level commissions have formal complaint processes.

Ms. Dragovich thanked everyone who offered public comment and indicated that the questions and suggestions raised during public comment will be considered by the subcommittee.

VIII. Next Meeting/Adjournment

The next meeting will be scheduled via Doodle Poll. Meeting adjourned at approximately 12:43 p.m.