



**STATEMENT OF  
THE ILLINOIS FORENSIC SCIENCE COMMISSION  
REGARDING THE USE OF VICTIM DNA  
IN UNRELATED CRIMINAL INVESTIGATIONS**

This Statement summarizes the Illinois Forensic Science Commission's 2022 legislative recommendation related to the use of a victim's DNA for law enforcement purposes outside the investigation and prosecution of the case for which the victim's DNA standard was collected.

**Background**

In February of 2022, media outlets reported that the San Francisco Police Department used DNA samples collected from sexual assault victims to investigate other crimes.<sup>i</sup>

The topic was addressed at the first meeting of the Illinois Forensic Science Commission on March 28, 2022. An open discussion was had regarding the San Francisco Police Department practice of using victim DNA to investigate other crimes. It was noted that Illinois' three CODIS-participating laboratories (the Illinois State Police Forensic Science Command, the Northeastern Illinois Regional Crime Laboratory, and the DuPage County Forensic Science Center) do not engage in the practice utilized by the San Francisco Police Department. Commission Members unanimously agreed that the Commission would present an opinion on the issue.<sup>ii</sup>

Continued discussion was held on the topic during the next Forensic Science Commission meeting on June 27, 2022. Commission Members unanimously agreed that the Commission would present a written opinion denouncing the practice of using victim DNA to investigate other crimes in the manner that victim DNA was utilized by the San Francisco Police Department.<sup>iii</sup>

**Legislative Recommendation**

On July 27, 2022, the Forensic Science Commission sent letters to the Majority and Minority Leaders of the Illinois General Assembly. The letters summarized the use of victim DNA by the San Francisco Police Department, explained the manner in which victim DNA is utilized by laboratories in Illinois in accordance with Illinois law and rules promulgated by the Federal Bureau of Investigation (FBI) for access to the Combined DNA Index System (CODIS), and voiced the Commission's opposition to the use of victim DNA in unrelated criminal investigations.<sup>iv</sup> The letters further expressed the Commission's support for legislation that would expressly prohibit the practice utilized by the San Francisco Police Department, should an Illinois law enforcement entity pursue creation of its own DNA database in the future.<sup>v</sup>



## **Legislation**

Public Act 103-792, which took effect on January 1, 2025, amended the Rights of Crime Victims and Witnesses Act (725 ILCS 120/1 et seq.). Specifically, Public Act 103-792 added the following two subsections to the Rights of Crime Victims and Witnesses Act:

- 1) 725 ILCS 120/3(a-6): “DNA database’ means a collection of DNA profiles from forensic casework or specimens from anonymous, identified, and unidentified sources that is created to search DNA records against each other to develop investigative leads among forensic cases.”
- 2) 725 ILCS 120/4(a)(1.6): “Except as otherwise provided in Section 9.5 of the Criminal Identification Act or Section 3-3013 of the Counties Code, whenever a person’s DNA profile is collected due to the person being a victim of a crime, as identified by law enforcement, that specific profile collected in conjunction with that criminal investigation shall not be entered into any DNA database. Nothing in this paragraph (1.6) shall be interpreted to contradict rules and regulations developed by the Federal Bureau of Investigation relating to the National DNA Index System or Combined DNA Index System.”

These amendments are consistent with the position of the Forensic Science Commission outlined in the Commission’s July 27, 2022 letters to the Majority and Minority Leaders of the Illinois General Assembly.

*On June 11, 2025, the Public Policy Subcommittee recommended that the Forensic Science Commission approve this Statement as a means of memorializing the Commission’s 2022 legislative recommendation related to the use of victim DNA. The Commission voted to approve the Statement and to publish the Statement on the Commission’s webpage.*

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<sup>i</sup> See e.g. <https://www.nytimes.com/2022/02/15/us/san-francisco-police-rape-kit-dna.html>; <https://www.npr.org/2022/02/14/1080754372/san-francisco-police-dna-rape-victims>

<sup>ii</sup> See FS Commission Meeting minutes (3-28-22), available at: <https://isp.illinois.gov/Forensics/MeetingDetails/5>

<sup>iii</sup> See FS Commission Meeting minutes (6-27-22), available at: <https://isp.illinois.gov/Forensics/MeetingDetails/1>

<sup>iv</sup> See attached letters.

<sup>v</sup> See attached letters.



**ILLINOIS STATE POLICE**  
*Office of the Director*

**JB Pritzker**  
*Governor*

July 27, 2022

**Brendan F. Kelly**  
*Director*

The Honorable Don Harmon  
327 Capitol Building  
Springfield, Illinois 62706

Dear President Harmon:

On behalf of the Illinois Forensic Science Commission which was established by the Illinois General Assembly under Public Act 102-523, I am writing to share with you the Commission's position relative to the reported use of victims' DNA for law enforcement purposes outside the investigation and prosecution of a sexual assault victim's case. In February of this year, media reported that the San Francisco Police Department has been using DNA samples collected from sexual assault victims to investigate other crimes. According to a New York Times article<sup>i</sup>, the director of the San Francisco Police Department's crime lab said, "This is a standard operating procedure in the field."

On behalf of the Illinois State Police Division of Forensic Services, Northeastern Illinois Regional Crime Lab, and the DuPage County Crime Lab, which together service nearly every law enforcement agency in the state, I assure you that the use of sexual assault victim DNA to investigate other crimes is not occurring at Illinois' public forensic labs. The only exception would be in compliance with Illinois Statute 55 ILCS 5/3-3013 and 20 ILCS 2630/9.5 which require DNA be collected from an individual, when the coroner or medical examiner has determined the cause of death was through homicidal means.

Further, in order to gain access to the federal Combined DNA Index System (CODIS) database, a lab must 1) be affiliated with a law enforcement entity, 2) sign a memorandum of understanding agreeing to adhere to the rules set forth by the Federal Bureau of Investigation for the use of CODIS, and 3) adhere to strict quality assurance standards for DNA laboratories. These rules prohibit the entry of victim DNA profiles into the CODIS database. A victim's DNA standard is required in sexual assault and other criminal investigations in order to distinguish their DNA on evidence from that of potential suspects; however, that comparison is done by a forensic scientist and never entered into the CODIS database.

Finally, on behalf of the members of the Forensic Science Commission, members which include forensic science lab directors and practitioners, sexual assault victim and innocence project advocates, law enforcement, prosecutors, and an academic specializing in DNA research, we strongly voice our opposition to the use of victim DNA in unrelated criminal investigations and our support for legislation that would prohibit this practice should a future law enforcement entity pursue creation of its own DNA database and hence not be constrained by federal guidelines. Please let us know if you have any questions or wish further input from the members of this Commission.

Respectfully,

Illinois Members of the Forensic Science Commission

Brendan Kelly  
Jillian Baker  
Jeffrey Bufford  
Claire Dragovich  
John Hanlon  
Cris Hughes

Phil Kinsey  
Jeanne Richeal  
Caryn Tucker  
Carrie Ward  
Dan Wright

<sup>i</sup> <https://www.nytimes.com/2022/02/15/us/san-francisco-police-rape-kit-dna.html>



**ILLINOIS STATE POLICE**  
*Office of the Director*

**JB Pritzker**  
*Governor*

July 27, 2022

**Brendan F. Kelly**  
*Director*

The Honorable Emanuel "Chris" Welch  
300 State House  
Springfield, Illinois 62706

Dear Speaker Welch:

On behalf of the Illinois Forensic Science Commission which was established by the Illinois General Assembly under Public Act 102-523, I am writing to share with you the Commission's position relative to the reported use of victims' DNA for law enforcement purposes outside the investigation and prosecution of a sexual assault victim's case. In February of this year, media reported that the San Francisco Police Department has been using DNA samples collected from sexual assault victims to investigate other crimes. According to a New York Times article<sup>1</sup>, the director of the San Francisco Police Department's crime lab said, "This is a standard operating procedure in the field."

On behalf of the Illinois State Police Division of Forensic Services, Northeastern Illinois Regional Crime Lab, and the DuPage County Crime Lab, which together service nearly every law enforcement agency in the state, I assure you that the use of sexual assault victim DNA to investigate other crimes is not occurring at Illinois' public forensic labs. The only exception would be in compliance with Illinois Statute 55 ILCS 5/3-3013 and 20 ILCS 2630/9.5 which require DNA be collected from an individual, when the coroner or medical examiner has determined the cause of death was through homicidal means.

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**ILLINOIS STATE POLICE**  
*Office of the Director*

**JB Pritzker**  
*Governor*

July 27, 2022

**Brendan F. Kelly**  
*Director*

Honorable Jim Durkin  
316 Capitol Building  
Springfield, Illinois 62706

Dear Minority Leader Durkin:

On behalf of the Illinois Forensic Science Commission which was established by the Illinois General Assembly under Public Act 102-523, I am writing to share with you the Commission's position relative to the reported use of victims' DNA for law enforcement purposes outside the investigation and prosecution of a sexual assault victim's case. In February of this year, media reported that the San Francisco Police Department has been using DNA samples collected from sexual assault victims to investigate other crimes. According to a New York Times article<sup>i</sup>, the director of the San Francisco Police Department's crime lab said, "This is a standard operating procedure in the field."

On behalf of the Illinois State Police Division of Forensic Services, Northeastern Illinois Regional Crime Lab, and the DuPage County Crime Lab, which together service nearly every law enforcement agency in the state, I assure you that the use of sexual assault victim DNA to investigate other crimes is not occurring at Illinois' public forensic labs. The only exception would be in compliance with Illinois Statute 55 ILCS 5/3-3013 and 20 ILCS 2630/9.5 which require DNA be collected from an individual, when the coroner or medical examiner has determined the cause of death was through homicidal means.

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**ILLINOIS STATE POLICE**  
*Office of the Director*

**JB Pritzker**  
*Governor*

July 27, 2022

**Brendan F. Kelly**  
*Director*

The Honorable Dan McConchie  
309G Capitol Building  
Springfield, Illinois 62706

Dear Speaker Welch:

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