



State of Illinois  
Illinois State Police

# Governor's Task Force on Forensic Science Report

Executive Order 2019-13



Illinois State Police



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

JB Pritzker  
*Governor*

Brendan F. Kelly  
*Director*

June 1, 2020

The Honorable JB Pritzker  
Governor of Illinois  
207 State House  
Springfield, Illinois 62706

Dear Governor Pritzker:

Enclosed is the mandated report from the Governor's Forensic Science Task Force, pursuant to Executive Order 2019-13. As you are very aware, Governor, the criminal justice system and the public's growing demands for forensic evidence have challenged forensic services providers for years, and Illinois is no exception. For every 1 forensic assignment completed by labs in this country, 1.2 new assignments are created.

Since January 2019, the Illinois State Police has reduced the backlog of Biology/DNA cases by more than 20% through the implementation of laboratory accountability measures, high through-put robotics, Rapid DNA, Lean Six-Sigma efficiencies, and the hiring and training of additional forensic scientists. In 2019, ISP labs completed nearly 14,000 Bio/DNA assignments. The budget for FY20 and FY21 will allow us to continue those improvements. In addition, the bi-partisan capital plan passed last year invests over \$50 million in critical laboratory infrastructure needed to rebuild forensic capacity. To keep moving forward and to further meet this challenge, your task force has continued to work through the Covid-19 pandemic to advance improvements to forensic services and to recommend additional needed steps to policy makers and stakeholders.

Among many evidence-based recommendations, the Task Force strongly recommends the creation of a permanent statutory Illinois Forensic Science Commission that includes the voice of victims of crime and all stakeholders in the justice system. A collaborative, systems-based approach will allow our state's crime labs to continuously address the critical issues facing the evolving field of forensics and to be pro-active in addressing the varied criminal justice policy, training, and procurement challenges outlined in this report that prevent improvement of forensic laboratory turn-around times. In addition, a standing permanent forensic sciences commission will help implement the further recommendations of this report regarding training, procurement and justice system communication that are essential to continued reduction of forensic backlogs.

I thank all the members of the Governor's Forensic Sciences Task Force for their efforts, even under difficult circumstances. This report represents only the first fruit of their labors. We must also give thanks for the hard work, professionalism, and dedication by our forensic scientists. During the COVID-19 pandemic, forensic scientists from the Illinois State Police (ISP) volunteered to serve in the Illinois Department of Public Health (IDPH) labs to assist with the processing of COVID-19 tests. The overwhelming response to this request from IDPH was typical of the outstanding character displayed throughout the ISP and in keeping with the best ISP traditions of Integrity, Service and Pride.

The aim of forensic science is to seek the facts that are necessary to sustain our system of equal justice under the law. On behalf of all the Forensic Science Task Force members, we stand ready to assist you and the leaders of the General Assembly in this noble effort.

Very Respectfully,

Brendan F. Kelly  
Director

cc: Senate Minority Leader Bill Brady  
House Minority Leader Jim Durkin  
Senate President Don Harmon  
Speaker of the House Michael Madigan  
Legislative Research Unit/COGFA

# Governor’s Task Force on Forensic Science

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Cover art: Mr. Mike Brown, retired forensic scientist, Illinois State Police Metro East Forensic Laboratory

# **Governor's Task Force on Forensic Science**

## **Final Report Executive Summary**

### **Recommendations**

The Governor's Task Force on Forensic Science recommends the State of Illinois create a statutory Illinois Forensic Science Commission. A permanent Illinois Forensic Science Commission will serve as an effective mechanism to drive improvements in the collection and analysis of forensic evidence as well as the methodology of forensic science in Illinois. An Illinois Forensic Science Commission would provide a forum for discussions between forensic science stakeholders to improve communication and coordination and could be empowered to monitor and address the important issues impacting all stakeholders. By taking a strong systems-based approach Illinois can further address the inefficiencies that contribute to backlogs. As noted in the National Institute of Justice report, "Successful commissions rely on legislative language that provides clear direction concerning the scope of members' responsibilities."

#### **Illinois Forensic Science Commission**

- Executive Board membership should include no more than 12 members from the following areas.
  - One Crime laboratory director/administrator from each publicly-funded forensic laboratory system
  - Director of the Illinois State Police or his/her designee
  - One member from an association representing prosecutors
  - One member from an association representing defense attorneys
  - Three forensic scientists with bench work background from various disciplines (e.g., DNA, Chemistry, and Pattern Evidence)
  - A retired judge with criminal trial experience, preferably with experience in admission of forensic evidence in trials
  - An academic in the field of forensic sciences (\*these individuals are not necessarily mutually exclusive from forensic scientist list)
  - Community representative (which could include a victim advocate, Innocence Project organization, Sexual Assault Nurse Examiners (SANE))

- The Commission should create subcommittees to focus on specific issues that are then reported back to the Commission. Membership on the subcommittee is based on the issue they are examining and may include members from other stakeholders and subject matter experts as needed. Subcommittees may include:
  - Education and training
  - Procurement
  - Funding and hiring
  - Ad hoc sub-committees that could be conveyed around specific issues
- In order to improve the timely procurement and deployment of critical scientific instrumentation, the Task Force recommends the Executive Ethics Commission name a Chief Procurement Officer exclusively for forensics that would be approved by the Commission. This Chief Procurement Officer will be a member of the Forensic Science Commission Procurement Subcommittee. This will ensure that the Chief Procurement Officer's office continues to be a fiscal watchdog over forensics, while working toward advancing forensic programs.
- Forensic Science Commission should hold regular quarterly meetings.
- Forensic Science Commission should be fully funded.
- Forensic Science Commission scope of duties would include analysis of legislation impacting the laboratories, standards for training, procurement, and a forum for stakeholders.
- The Task Force recommends the Commission be given the duties of reviewing significant non-conformities documented by each publicly-funded laboratory. On an annual basis, each laboratory will prepare a report for the Commission summarizing the significant non-conformities. The report will identify:
  - the significant non-conformity or deficient method(s);
  - how the problem was detected;
  - the extent of the issue;
  - all corrective actions implemented to address the issue;
  - an analysis of the effectiveness of the corrective actions taken.
- Forensic Science Commission should partner with a public university for meeting space, research, training, and recruitment, but not be connected to a university laboratory that provides forensic testing. The Illinois State Police should provide state government administrative support for the Commission.

## Forensic Science Institute

Training was identified as an area for improvement. Training is needed for college and university students seeking a forensic science career. A Forensic Science Institute could oversee training for Illinois State Police forensic scientist trainees, continuing education of forensic scientists, police officers, prosecutors, defense attorneys, and the judiciary.

- Housing the Commission within a university will allow for the establishment a Forensic Science Institute.
- A Forensic Science Institute would facilitate trainings in forensic science for police, prosecutors, defense attorneys, and judges.
  - For police officers: in coordination with the police training board, along with ongoing training for detectives, on best practices of 1) crime scene processing and 2) deciding what evidence should be sent to the lab is recommended.
  - For prosecutors and defense attorneys: training on laboratory practices and forensic science basics is recommended.
  - For judges: evidentiary training on foundational requirements for forensic science is recommended.
- The Task Force recommends the Illinois State Police and the Forensic Science Institute could forge avenues of communication with its user agencies and to do so largely on a regional basis as the needs for training and the topics needed to be covered may differ depending on training provided by other regional organizations.

## Other recommendations include:

Communication between the crime laboratories and the users will help streamline processes.

- To address the issues of notifying the laboratories when a case is disposed of, the Task Force recommends:
  - Each prosecutor's office, in conjunction with their local laboratory, should come up with the best way to notify their laboratory, as there is not a one-size-fits-all recommendation for every county. This may include submitting notifications through the Laboratory Information Management System (LIMS), email, or phone.
  - Outreach to prosecutor's offices to train them on the best method of communicating when cases have been closed, and to reinforce the idea that this process is in their best interest. It will save the laboratories time by eliminating unnecessary analysis, which will reduce both the backlogs and concerns about speedy trial issues.

Explore and implement standards for remote testimony in forensic science.

- To address the issues of backlogs, delays in criminal trials, and inefficient use of forensic scientists, the Task Force recommends:
  - Work with the General Assembly and Illinois courts to develop best practices on the potential use of remote testimony, consistent with the United States and Illinois Constitutions, especially in the disciplines of drug chemistry and toxicology.

# Executive Order 2019-13

On August 16, 2019, Governor Pritzker signed Executive Order 2019-13, which established the Governor's Task Force on Forensic Science. The Task Force was created to allow collaborative work of key stakeholders to identify and analyze the issues and challenges that are facing the Illinois publicly-funded crime laboratories. The Executive Order appointed Illinois State Police Director Brendan Kelly as the Task Force Chair. The Task Force was required to report to the Governor and General Assembly by June 1, 2020. (Executive Order in Appendix)

## Task Force Membership

Chaired by Illinois State Police Director Brendan Kelly, the Governor's Task Force on Forensic Science was comprised of the following members:

- Dr. Megan Alderden – Director of Criminology, DePaul University; former Executive Director, Illinois Criminal Justice Information Authority
- Dr. Ponni Arunkumar – Chief Medical Examiner, Cook County
- Amy Campanelli – Cook County Public Defender
- Major Jeff Connor – Madison County Chief Deputy Sheriff
- Brendan Deenihan – Deputy Chief of Detectives, Chicago Police Department
- Claire Dragovich – Laboratory Director, DuPage County Forensic Science Center
- John Hanlon – Executive Director, Illinois Innocence Project
- Phil Kinsey – Executive Director, Northeastern Illinois Regional Crime Lab
- Judge Heidi Ladd – Circuit Judge, 6th Judicial Circuit (Champaign)
- Holly Lemons – Montgomery County Circuit Clerk, President of the Illinois Association of Court Clerks
- Cathy MacElroy – St. Clair County Public Defender
- Sarah Toney – Managing Partner, Toney Law Firm, LLC
- Carrie Ward – Executive Director, Illinois Coalition Against Sexual Assault
- Amy Watroba – Assistant State's Attorney, DuPage County
- Robin Woolery – Illinois State Police Assistant Deputy Director, Division of Forensic Services



## Task Force Duties

Pursuant to the Executive Order, Governor Pritzker charged the Task Force with the following duties:

- (1) Review current status of equipment, instrumentation, maintenance, facilities and staffing levels at ISP Crime Laboratories; and,
- (2) Identify obstacles to the acquisition of supplies, equipment and services that are necessary for the effective delivery of timely forensic science services by ISP Crime laboratories and other publicly-funded laboratories;
- (3) Identify obstacles to recruitment, hiring, training, and retention of forensic scientists and crime scene investigators at the ISP Crime laboratories and other publicly-funded crime laboratories, including efforts to increase diversity;
- (4) Review the law and procedures to identify measures to improve submissions to the Combined DNA Index System (CODIS) and to reduce all Illinois crime laboratories' backlogs;
- (5) Review and recommend improvements in the sharing of information concerning the status of criminal cases and testing of evidence, including the sharing of information between lead investigators and state's attorneys, and the updating of criminal history record information systems;
- (6) Review and recommend improvement in current procedures for prioritizing the testing of evidence at ISP crime laboratories and other publicly-funded crime laboratories;
- (7) Review the structure and work of forensic science commissions in other states and make recommendations concerning the creation and structure of such a commission in Illinois; and
- (8) Make any recommendations and proposals, which would, in the view of the Forensic Science Task Force, further ensure complete, accurate, and timely evidence collection and forensic analysis, as well as the transparent, efficient and effective operation of the public-funded Illinois crime laboratories.

The Task Force developed four subcommittees to evaluate the duties

- External Factors (Chair Sarah Toney)
  - Amy Campanelli
  - Claire Dragovich
  - Heidi Ladd
  - Holly Lemons
  - Amy Watroba

- Permanent statutory commission (Chair Amy Campanelli)
  - Megan Alderden
  - Claire Dragovich
  - John Hanlon
  - Phil Kinsey
  - Amy Watroba
  - Robin Woolery
  
- Training (Chair Philip Kinsey), and
  - Megan Alderden
  - Ponni Arunkumar
  - John Hanlon
  - Holly Lemon
  - Carrie Ward
  
- Procurement (Chair Robin Woolery)
  - Ponni Arunkumar
  - Claire Dragovich
  - Carrie Ward

## DNA Backlog National Trends

The DNA backlog is not a problem isolated to Illinois. As early as 2000, with the adoption of the DNA Backlog Elimination Act, the federal government began enacting grants to eliminate the DNA backlogs nationwide. According to a 2010 article published by the National Institute of Justice, titled, "Making Sense of DNA Backlogs - Myths vs. Reality," they resolved, "Crime laboratories have increased their capacity to work cases significantly, but they are not able to eliminate their backlogs because the demand continues to exceed the increases made in capacity." The article further provided, "Demand for DNA testing of forensic cases is rapidly increasing for several reasons:

- Increased Awareness. Knowledge of the potential of DNA evidence to solve cases has grown exponentially in recent years, not just among professionals in the criminal justice system but also among the general public.
- Property Crimes. The number of property crimes being sent for DNA testing is skyrocketing, and property crimes are considerably more common than violent crime. (Most laboratories require violent crime cases to be worked before property crime cases.)
- Scientific Advances. Thanks to scientific advances, laboratories can now test smaller DNA samples than ever before. For example, "touch DNA" samples become available when DNA is transferred by the simple touching of an object. This has led to more requests for DNA testing of guns (to find out who may have handled the weapon) and the swabbing of steering wheels from stolen cars to try to identify the last driver of the car. (This Task Force would also add clothing items worn by a person of interest.)
- Cold Cases. Many older and unsolved cases from the "pre- DNA" era are being reopened and subjected to DNA testing in hopes of solving them.
- Post-Conviction Testing. Numerous older, pre-DNA cases that resulted in a conviction have been reopened so that DNA testing can be done."

In March 2019, the U.S. Government Accountability Office reported to the United State Senate Committee on Judiciary that, "At the end of 2017, about 169,000 requests for DNA analysis of crime scene evidence were backlogged at state and local government crime labs." The United States Government Accountability Office found that "the reported number of backlogged requests for crime scene DNA analysis at state and local government labs has increased by 85 percent from 2011 through 2017, the most recent full year for which grantee data were available (from about 91,000 to about 169,000)."

The report also noted, "Since 2004, the Department of Justice (DOJ) has awarded nearly one billion dollars to states and local jurisdictions through the DNA Capacity Enhancement and Backlog Reduction (CEBR) grant program (or CEBR legacy programs) to help increase lab capacity and reduce the amount of DNA evidence awaiting analysis at labs." According to the report the CEBR program has two goals: "increase laboratory capacity for DNA analysis and reduce backlogs

of DNA evidence awaiting analysis.” However, in the report the National Institute of Justice later reported to the Government Accountability Office, “Moreover, after NIJ officials clarified that the CEBR program has a goal to reduce backlogs...NIJ later reported that eliminating the nationwide backlog is not a program goal. Officials stated they believe the goal of eliminating backlogs is unachievable in the foreseeable future because increases in demand for DNA analysis are driven by factors outside of NIJ’s control. Thus, officials said they are not comfortable setting an unachievable goal and reporting data related to that goal that may be misinterpreted. However, they also feel they need to have a goal to reduce or eliminate backlogs because this, they said, was an original purpose of the program. This further exacerbates the lack of consistency and clarity available to Congress.”

## **Illinois State Police Staffing, Mandates and Backlogs**

Pursuant to 20 ILCS 2605, the ISP Division of Forensic Services was created. The ISP is mandated to “Establish general and field crime laboratories,” and “Establish and operate a forensic science laboratory system, including a forensic toxicological laboratory service, for the purpose of testing specimens submitted by coroners and other law enforcement officers in their efforts to determine whether alcohol, drugs, or poisonous or other toxic substances have been involved in deaths, accidents, or illness. Forensic toxicological laboratories shall be established in Springfield, Chicago, and elsewhere in the State as needed.”

### **Staffing**

As noted earlier, the ISP testified to the Task Force the forensic scientists staffing levels have seen a reduction, while the mandates and workload has increased. In March 2009, the Illinois Auditor General reported to the Illinois General Assembly, “During the period Fiscal Year 2002 thru Fiscal Year 2007, we found: overall headcount decreased by 3 percent. However, during the same period, the number of cases submitted for analysis increased by 10 percent.” Headcount continued to be reduced. In 2009, the ISP had 313 forensic scientists. At the time of this report, the ISP current forensic scientists staffing level is 245 which is down 22 percent from 2009. No forensic scientists were hired by ISP between 2012 and 2014. In March 2020, approximately 24 new forensic scientist trainees started their training programs. The Illinois State Police reports the current staffing level is insufficient to address the current number of assignments submitted by law enforcement agencies. The ISP testified their optimal staffing level would be 320 forensic scientists. In addition to these forensic scientists, it is critical that there are enough evidence technicians, technical managers, clerical, and maintenance personnel to assist in addressing additional submissions but also reduce the backlog. Any progress the ISP makes in reducing backlogs can be immediately impacted when a vacancy occurs. More significantly, without timely filling of non-scientific laboratory support and forensic supervisory positions, fully-trained forensic scientists must perform critical evidence technician, managerial, and clerical duties rather than analyze cases. This specific situation resulted in recommendation number five in the Office of the Auditor General (OAG) report released in March 2009. Specifically, the OAG stated

on page 38, “Failure to maintain the necessary staffing levels results in cases remaining unsolved and serial criminals could remain free to commit additional crimes. The ISP’s inability to fill lost forensic positions has resulted in staff performing work outside of their official duties, which increases the backlog of forensic cases submitted to the labs.”

## **Overview of Mandates**

Forensic science related legislation has been and continues to remain a popular topic within the Illinois General Assembly. The following is a sample of significant legislation.

In 2002, pursuant to Senate Resolution 118 (92<sup>nd</sup> General Assembly), the ISP issued a report to the Illinois General Assembly. Senate Resolution 92-118 mandated the ISP review and evaluate its varied duties and responsibilities as they relate to the most effective and efficient use of their resources. The ISP reported on various unfunded and underfunded mandates, which were adding pressures to the laboratory system. In this report the ISP reported the following:

“...ISP has been required to respond to emergent issues in order to continue to protect Illinois citizens. Indeed, many of these duties have been unfunded, but due to the nature of the requirement and enhanced public safety, ISP has performed them to the extent existing resources would allow. A good example would be... adding more than 18,000 (and manifold growth in future years) offenders to the CODIS database have been necessary but not fully funded duties which have been added to the responsibilities of the men and women of ISP.”

“Indeed, duties added such as the Combined Offender DNA Information System (CODIS) is expected by both ISP and the public to be the future of crime solution. Although the first CODIS legislation was signed into law in 1990, there have been several amendments to increase the number of offenses for which convicted offenders must submit a blood sample. Large increases to the number of offenders came from the enactment of Public Act 91-528. In addition, Public Act 92-0040 (effective 6/28/01) provides the largest increase in offenders to date. Consequently, the ISP Forensic Laboratory DNA annual workload is projected to increase from 2,500 samples in 1999 to in excess of 50,000-60,000 in the next few years. This places tremendous additional pressure on the ISP laboratory system.”

In 2002, Public Act 92-829 later required persons convicted or found guilty of any offense classified as a felony under Illinois law, found guilty or given supervision for any offense classified as a felony under the Juvenile Court Act of 1987 to provide a sample into the Combined Offender DNA Index System.

In 2010, Public Act 96-1011 was signed into law which created the Sexual Assault Evidence Submission Act. This law mandated the testing of all sexual assault evidence that had not previously been submitted to a forensic laboratory for testing and that law enforcement agencies submit any new sexual assault cases within 10 days of collection of the evidence (to prevent such

a situation from occurring again). Illinois was the first state to pass such a law. As a result, beginning in January 2011 the ISP started to receive the 4,138 sexual assault cases that had not previously been submitted from Illinois law enforcement agencies. Submitted cases dated as far back as 1978. ISP referred to these cases as part of the "Section 20" initiative, denoting the section of the law requiring submission of these cases. The ISP completed this initiative in November 2013 more than one year ahead of schedule. The ISP received no additional resources to comply with this mandate. Additionally, ISP continues to receive more sexual assault cases than prior to the passage of the law; this is attributed to Section 10 of the law, which requires the submission of sexual assault cases within 10 days. These cases are part of the biology backlog of cases.

As reported in the ISP Sexual Assault Evidence Submission Act (Public Act 96-1011) Section 20 Final Report, published November 30, 2013, "the ISP required five additional headcount to hire more forensic scientists to address the permanent increase in new sexual assault submissions ("Section 10" cases), and to assist with the "Section 20" cases requiring in-house analysis. These positions would be permanent and in addition to refilling any vacancies." "The Final Summary - Headcount: In November 2011, the ISP hired and began training eight forensic scientists using only headcount which was available through attrition; the five additional headcount requested in the original plan had not been received. By the end of 2012, seven of these forensic scientists had completed their forensic biology (FB) training (one resigned) and are currently working FB cases. The ISP still requires the five additional headcount (and associated funding) originally requested in the February 2011 plan in order to address the permanent increase in "Section 10" case submissions and to reduce the backlog of all types of FB/DNA cases. The overall FB/DNA case backlogs increased during the "Section 20" project since significant personnel and outsourcing resources had to be refocused on that initiative." It should be noted in late FY 16 the ISP was given permission to hire six additional forensic scientists for the biology section, which were hired in March 2017. Included in these six positions are the five additional headcount and associated funding originally requested in the "The Sexual Assault Evidence Submission Plan" submitted in February 2011 (pursuant to Public Act 96-1011) in order to address the permanent increase in the new sexual assault case submissions (pursuant to Section 10 of the law) and to reduce the backlog of all types of cases submitted to the Biology section.

In 2011, Public Act 97-383 which required submission of a DNA sample for entry and comparison to the CODIS database from all persons indicted for the following offenses: First degree murder; 720 ILCS 5/9-1, Home Invasion; 720 ILCS 5/19-6, Predatory Criminal Sexual Assault of a child; 720 ILCS 5/11-1.40, Aggravated Criminal Sexual Assault, 720 ILCS 5/11-1.30, and Criminal Sexual Assault. 720 ILCS 5/11-1.20.

In 2015, Public Act 99-354 was enacted concerning specimens collected by coroners and medical examiners of a homicide victim and submission of those specimens by National DNA Index System (NDIS) participating laboratory into CODIS.

In 2015, Public Act 99-352 granted the ISP Division of Forensic Services an extra six million dollars annually from the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the

Retailers' Occupation Tax Act. Public Act 99-352 also gave the ISP a funded mandate to implement and maintain a new Electronic Laboratory Information Management System (LIMS), to efficiently and effectively track all evidence submitted for forensic testing. This was a significant and much needed modernization of the ISP laboratory system. The requests for information are often very specific and ISP's Computer Aided Laboratory Management System (CALMS) was antiquated and unable to query for specific requests. The CALMS system was originally built as an in-house tracking system which was never intended to provide the kinds of data needed in today's environment. The funds provided in this Public Act and streamlined procurement allowed ISP to purchase and implement a new LIMS system in December 2018.

In 2016, Public Act 99-697 amended the driving under the influence law in the Illinois Vehicle Code specific to cannabis. This amendment required the quantitative testing of blood for tetrahydrocannabinol (THC) concentration. While the ISP was granted an exemption from this mandate, the ISP once again responded to emergent issues in order to continue to protect Illinois citizens. The ISP's Springfield Forensic Science Laboratory began quantitative testing on July 1, 2018. Since then, ISP has been working through procurement issues related to purchasing, moving, and repairing/servicing instrumentation at the Forensic Science Center at Chicago. At the time of this report, ISP estimates an additional four months before being operational at the Forensic Science Center at Chicago.

In January 2017, the ISP, as well as all other forensic laboratories that participate in CODIS, were mandated by the Federal Bureau of Investigation to change DNA chemistries; this change increased the number of CODIS loci from 13 to 20. This change in DNA chemistry has led to an increase in the time required to analyze offender samples and samples submitted in criminal cases to the forensic laboratories. While providing more information, this change did result in an increase in analytical time to complete cases. Although this was not a legislative change, it had a measurable impact on increasing worktime, and this translated to our backlogs.

In 2017, Public Act 100-336 created the Sexual Assault Evidence Tracking and Reporting Commission. This Commission gave rise to the eventual passage of Public Act 101-377 which directed the ISP to implement an online sexual assault tracking system. Once implemented, the sexual assault tracking system will allow survivors of sexual assault to monitor their evidence online throughout the entire process, from collection at the hospital, through law enforcement pick-up and submission to the forensic lab, and lastly to the State's Attorney's office where final results are received. Transparency of this data will no doubt reveal additional opportunities for stakeholders to develop operational procedures or legislation that will eliminate barriers to faster turnaround times. This would have not been possible if not for an improved LIMS system.

In 2019, the Illinois General Assembly issued a House Joint Resolution 7 requesting the ISP determine the most effective and efficient use of Rapid DNA technology. Rapid DNA is a term used to describe the fully automated process of developing a DNA profile from a known standard (cheek swab) without human intervention (commonly known as "swab in – profile out"). The goal of the Rapid DNA initiative is to link Federal Bureau of Investigation approved commercial instruments capable of producing a core loci DNA profile within two hours to the existing

Combined DNA Index System (CODIS) in order to search profiles from unsolved crimes while a qualifying arrestee is in police custody during the booking process. CODIS is the Federal Bureau of Investigation’s program of support for criminal justice DNA databases as well as the software used to run these databases which contains the DNA profiles contributed by federal, state, and local participating forensic laboratories. The Rapid DNA Act of 2017 authorizes the Federal Bureau of Investigation Director to “issue standards and procedures for the use of Rapid DNA instruments and resulting DNA analyses.” In 2019, the ISP worked through the procurement process and acquired a Rapid DNA instrument. As of the issuance of this report, the FBI has only approved Rapid DNA instruments for use by accredited forensic laboratories for the analysis of known DNA standards for entry into CODIS. In accordance with FBI standards and procedures, the ISP has implemented the Rapid DNA instrument only for the analysis of known DNA standards for entry to CODIS. However, Rapid DNA technology will be most successfully used in booking stations in states that have arrestee laws for the analysis of single source known DNA standards from arrestees for direct entry into CODIS for searching.

**Illinois State Police Workload**

<u>Fiscal Year</u>	<u>Cases received</u>	<u>Cases Analyzed</u>	<u>DNA Received</u>	<u>DNA Backlog</u>
FY 2008	119,196	112,644	4,515	1,149
FY 2009	115,293	115,044	5,317	749
FY 2010	112,075	111,669	5,240	708
FY 2011	108,726	104,043	6,182	1,577
FY 2012	106,681	101,076	6,439	3,050
FY 2013	97,834	94,550	5,941	4,112
FY 2014	89,920	91,878	5,473	3,742
FY 2015	85,473	83,594	4,745	2,643
FY 2016	82,077	83,157	4,674	1,903
FY 2017	69,361	67,049	4,983	2,604
FY 2018	68,654	66,126	6,800	3,745
FY 2019	72,890	63,074	13,176 <sup>1</sup>	8,776 <sup>1</sup> (BIO&DNA)

<sup>1</sup> Effective in early 2019, the ISP began reporting Forensic Biology and DNA activities as one combined section called “Biology.” This will result in a more accurate representation of submissions, backlog, and completed analysis within this section. Comparisons between past case figures and current assignment figures are difficult because a single case may consist of multiple assignments. LIMS has enabled the ISP to better track all the work that has been requested, resulting in additional types of assignments now being included in backlog figures which had not been previously included.

In summation, it is worth citing ISP’s report to the General Assembly (Senate Resolution 92-118), “...ISP has been required to respond to emergent issues in order to continue to protect Illinois citizens. Indeed, many of these duties have been unfunded, but due to the nature of the requirement and enhanced public safety, ISP has performed them to the extent existing resources would allow.”



In 2019, the ISP implemented several improvements. Improvements within the DNA section include the addition Rapid DNA technology to analyze known DNA standards for direct entry into CODIS. The implementation of large-scale robotics in the three largest laboratories to assist in the reduction of the DNA case backlogs. These robots allow many DNA case samples to be processed with minimal intervention by a forensic scientist. In addition, a Direct to DNA approach was implemented eliminating the need for biological screening on sexual assault cases. The DNA section also participated in a Lean Six Sigma project to identify additional efficiencies within the section to include improvements to the DNA training process for new scientists. The ISP is working to develop a Sexual Assault Evidence Tracking Program. The program will be implemented in August 2020.

Several efficiencies have been gained through the implementation of LIMS. The implementation of a new LIMS has created a paperless system and provides for more consistent approach for documentation of case records and allows for statewide review of case records. This has reduced inefficiencies and increased productivity in the laboratory system.

The Latent Print Section reduced the backlog by 67% from 2,734 assignments as of December 31, 2018, to 896 on December 31, 2019. The 896-assignment backlog is the lowest the backlog has been in the section since June 1998 and the Firearms section backlog has reduced the backlog by 62% from 1,415 assignments as of December 31, 2018, to 545 assignments on December 31, 2019. The 545-assignment backlog is the lowest the backlog has been in the section since July of 2003. Additionally, in the three labs having NIBIN technology, cases are assigned and worked within two business days. This approach keeps cases moving through the system and provides invaluable, timely information regarding other crimes in which that firearm may have been used. The design of the Firearms portion of the LIMS has also streamlined the workflow within the section allowing for greater productivity.

## **Illinois Laboratory Advisory Committee**

The 2016 State Forensic Science Commission's Final Report funded by the National Institute of Justice referenced the Illinois Laboratory Advisory Committee. In 2005, Public Act 93-784 created the Illinois Laboratory Advisory Committee Act. This represents Illinois' only experiment with a laboratory committee. The Illinois Laboratory Advisory Committee was comprised of scientists from the following state agencies: Agriculture, Natural Resources, Public Health, State Police, Environmental Protection, Emergency Management, and Transportation. Other members included licensed attorneys from the Cook County Public Defender, Cook County State's Attorney, State Appellate Defender, State's Attorneys Appellate Prosecutor, and Attorney General. The remaining members included academic scientist with an advanced degree in life, physical, or medical sciences, scientist employed by the DuPage County Sheriff's Crime Laboratory, and academic forensic scientist with an advanced degree in the life, physical, criminalistic, or medical sciences.

The committee produced one report in 2007 and their four recommendations included the following:

- Science Administrator Salary Discrepancies

The committee recommends an immediate and complete correction to the unacceptable salary discrepancies that have developed among the leadership of the Illinois' scientific laboratories.

- Post-Conviction Forensic DNA Testing

The committee recommends that the Illinois legislature require laboratories engaging in post-conviction DNA analysis to be accredited by the American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB) or an accrediting body that accredits crime laboratories against both the ISO 17025 international standard and the G19 standard published by the International Laboratory Accreditation Cooperation.

- Laboratory Services Database

The committee recommends the funding, completion, publication, and maintenance of an online Illinois Laboratory Services Database that allows law enforcement, public health, and homeland security official to respond more appropriately to potential threats by researching the capabilities and series provided by Illinois laboratories.

- Follow-up on Committee Recommendations

The committee recommends that the Illinois Laboratory Advisory Committee chair follow-up with the appropriate legislators and offices to ensure that the committee recommendations are being considered and acted upon.

Public Act 99-576 repealed the committee due to inactivity. This Task Force is unable to find evidence any of these recommendations were addressed.

# **Governor’s Task Force on Forensic Science Findings/Recommendations**

## **Illinois Forensic Science Commission**

The Governor’s Executive Order provided the Task Force would, “Review the structure and work of forensic science commission in other states and make recommendation concerning the creation and structure of such a commission in Illinois...” The Task Force created a subcommittee to examine a permanent statutory commission and identify best practices and a framework for Illinois.

The Task Force subcommittee reviewed existing research on the roles and structures of Forensic Science Commissions across the United States. According to the 2016 State Forensic Science Commissions Final Report funded by the National Institute of Justice, 10 states (and the District of Columbia) currently have statutorily created Forensic Science Commissions. Those states include Arkansas, Delaware, Maryland, Missouri, North Carolina, New York, Rhode Island, Texas, Virginia, and Washington. Although these Commissions vary by size, structure, and purpose, the lessons learned from these endeavors was used to inform the recommendations outlined here. The subcommittee also considered information provided by other states Forensic Science Commissions and system stakeholders.

The Task Force recommends the following:

### **Statutorily Created**

The Illinois Forensic Science Commission will provide guidance to ensure the efficient delivery of forensic services and the sound practice of forensic science. An Illinois Forensic Science Commission would provide a forum for discussions between forensic science stakeholders to improve communication and coordination and could be empowered to monitor and address the important issues impacting all stakeholders. By taking a strong "systems-based approach," Illinois can begin to attack the inefficiencies that contribute to backlogs.

The Task Force strongly recommends the creation of a permanent commission in state statute. As noted in the National Institute of Justice report, “Successful commissions rely on legislative language that provide clear direction concerning the scope of members’ responsibilities.”

### **Membership**

According to the National Institute of Justice report, “Most frequently, commission members are determined by gubernatorial appointment. In a few states, appointments are made by the Attorney General. To minimize the role of political considerations, statutes may require specific

qualifications for appointees.” In order to minimize political considerations, the Task Force recommends the members of the Commission be nominated by the Governor and confirmed by the Illinois State Senate. The statutory language should also prescribe statutorily-defined qualifications.

The Task Force recommends the following stakeholders based on a review of a report published by the National Institute of Justice.

- Executive Board membership should include no more than 12 members from the following areas.
  - One Crime laboratory director/administrator from each publicly-funded forensic laboratory system
  - Director of the Illinois State Police or his/her designee
  - One member from an association representing prosecutors
  - One member from an association representing defense attorneys
  - Three forensic scientists with bench work background from various disciplines (e.g., DNA, Chemistry, and Pattern Evidence)
  - A retired judge with criminal trial experience, preferably with experience in admission of forensic evidence in trials
  - An academic in the field of forensic sciences (\*these individuals are not necessarily mutually exclusive from forensic scientist list)
  - Community representative (which could include a victim advocate, Innocence Project organization, Sexual Assault Nurse Examiners (SANE))
  
- Subcommittees of the Commission will focus on specific issues that are then reported back to the Commission. Membership on the subcommittee is based on the issue they are examining and may include members from other stakeholders and subject matter experts as needed. Subcommittees may include:
  - Education and training
  - Procurement
  - Funding and hiring
  - Ad hoc sub-committees that could be conveyed around specific issues (e.g., information sharing among Circuit Clerks, grant opportunities from the Illinois Criminal Justice Information Authority).

Due to the importance of this subject matter, the Task Force recommends the Commission hold regular quarterly meetings.

### **Budget/Staffing**

The report commissioned by the National Institute of Justice highlights the importance of a dedicated budget and staff; Commissions that have committed budgets and staff can more

effectively and efficiently respond to the forensic science-related issues facing the criminal justice system. The Task Force strongly recommends the General Assembly appropriate a dedicated budget to the Commission. It is also essential the Commission have a professional staff to carry out its various duties and mission. The staff may include an Executive Director, Legal Counsel, and staff who would be tasked with forensic research and development and forensic training.

### **Administrative Home**

In order to ensure this commission remains as independent as possible, the Task Force recommends the Forensic Science Commission partner with a publicly-funded university, but not connected to a university laboratory that provides forensic testing. A university would also provide infrastructure to support commission staff and activities. The Texas Forensic Science Commission's original administrative home was at Sam Houston State University. This recommendation is also strategic, as the Task Force strongly encourages the formation of a partnership between the university and commission for opportunities for research, training, and recruitment.

### **Duties**

The Task Force recommends that the Commission duties initially focus on analysis and recommendations related to legislation impacting laboratories, standards for training, procurement, and a forum for stakeholders.

The Commission should review laboratory policies and practices and examine how these policies and practices impact the criminal justice system as a whole in the State of Illinois. The Commission should analyze data relevant to proposed forensic legislation and its effect on current policies or practices and provide information to support evidence-based forensic legislation. The Commission should ensure adequate resources are available for carrying out mandates imposed on ISP and rational priorities are established for the use of those resources. To do so, the Commission should prepare criminal justice resource statements, identifying the fiscal and practical effects of proposed forensic legislation, including, but not limited to, the laboratory headcount, police and court processes, and county or local government resources. Another strategy to accomplish this goal would be the creation of a Forensic Laboratory Impact Note within the General Assembly Organization Act. Every bill filed which creates a new mandate, expectation, or alteration to processes involving the crime laboratories, the Commission shall have prepared a brief explanatory statement or note which shall include a reliable estimate of the probable impact of such bill upon the overall impact on Illinois' publicly-funded crime laboratories and the probable impact such bill will have upon the publicly funded laboratories annual budget.

The Commission should also assume responsibility for establishing procedures, policies, and practices to improve the quality of forensic analyses conducted in Illinois. The Commission should also actively engage in various forensic development initiatives and work collaboratively with

stakeholders in the criminal justice system to improve education and training in forensic science and the law.

Annually legislation is introduced impacting the crime laboratories. The purpose of this discussion is not to express support or opposition to any legislation, this list was generated to illustrate the interest in legislation and solidify why a Forensic Science Commission is necessary and may provide valuable assistance to our decision makers. A sample of legislation introduced impacting the laboratories includes,

- Require ISP crime laboratories to test fire all firearms sold in Illinois for the purposes of maintaining a database of firearm fingerprints (ballistic identification). At the time ISP estimated the cost to be \$7 million in personnel and \$12 million in equipment.
- Expand the number of persons required to submit DNA samples into CODIS to all persons arrested for felonies. The ISP has initially estimated the total first year cost of implementing this program to be in the millions.
- Creation of the Forensic Science Act, which allowed a convicted person to file a petition for relief based on relevant forensic scientific evidence that was not available to be offered at the convicted person's trial or that undermines forensic scientific evidence relied upon by the prosecution at trial.
- Require a law enforcement agency to present the documentation demonstrating the chain-of-custody that accompanies the forensic evidence at trial, as well as authenticated copies of the original testing, including, but not limited to, laboratory notebooks, the resumes and qualifications of each individual performing testing and analyzing the test results, as well as supporting documentation from the test methodology itself.
- Irrevocable continuing appropriation of all amounts necessary for the implementation the ISP's Division of Forensic Services and the irrevocable and continuing authority for the ISP and the State Treasurer to make the necessary transfers for that purpose.
- Forensic testing of evidence which would result in the complete consumption of an evidentiary sample.

Lastly, the Task Force recommends the Commission be given the duties of reviewing significant non-conformities documented by each publicly-funded laboratory. On an annual basis, each laboratory will prepare a report for the Commission summarizing the significant non-conformities. The report will identify:

- the significant non-conformity or deficient method(s);
- how the problem was detected;
- the extent of the issue;

- all corrective actions implemented to address the issue;
- an analysis of the effectiveness of the corrective actions taken.

The report will not include personal identifying information or criminal justice information. Each lab would be charged with submitting this report to the Commission every year by December 31. The Commission would review these reports and make recommendations in a report to the General Assembly by April 1.

As noted earlier, the Task Force established three other subcommittees, who have further recommendations, which are adopted by the full Task Force, toward the creation of an Illinois Forensic Science Commission and other improvements.

## External Factors

The Governor’s Executive Order provided the Task Force would “Review and recommend improvements in the sharing of information concerning the status of criminal cases and testing of evidence, including the sharing of information between lead investigators and state’s attorneys, and the updating of criminal history record information systems;” and “Review and recommend improvement in current procedures for prioritizing the testing of evidence at ISP crime laboratories and other publicly-funded crime laboratories...” The Task Force created a subcommittee to research external metrics. The dialogue in the subcommittee resulted in the renaming of the subcommittee as external factors, to better encompass some of the issues the subcommittee has identified that can help address the lab backlogs.

The external factors subcommittee set the following goals:

1. Improving the communication between the court system and the lab.
2. Training the external public (including law enforcement and attorneys) on commonly asked questions and misconceptions.
3. Best practices on how to deal with consumption.
4. Best practices on evidence collection: what can be submitted and what cannot so that the analyst is not spending the time to determine if it should be tested.
  - Use the metrics labs have found to be the best for testing (i.e. – steering wheel vs. door handle for best results).
  - Consider using labs with a smaller backlog for certain types of evidence instead of using one lab for all evidence.
  - Examine submission policies and impact on lab.

## GOAL #1

It was the subcommittee's first goal to improve the communication between the crime laboratories and the court system for the laboratory to have current information on the need for forensic analysis, or if the case has been disposed of. In instances where the cases have been adjudicated or disposed (dismissed or plead, for example) the laboratory will return the samples to the appropriate law enforcement agency in accordance with existing procedures.

The ISP confirmed with their Laboratory Information Management System (LIMS) administrator that it will be possible to add fields to note court dates and case status/disposition. State's Attorney's Offices already have access to LIMS, so these new fields would be accessible to both the laboratory personnel working the case as well as prosecutors. The fields will be available per assignment or can be marked for all assignments for a case.

A few noteworthy issues:

- Within the DNA consumption screens in LIMS, there already exists a "no longer needed" box that can be checked, making the additions of these fields easy to implement as it has been done before.
- Marking a case as "disposed of" does not close the case within ISP. ISP will still review to see if there are other assignments within that case that would still need to be tested. The intergovernmental agreement that each county signs to access LIMS already indicates the parties agree to notify the laboratory if the evidence that has been submitted is no longer needed for testing.

**Thus, to address the issues of notifying the laboratories when a case is disposed of, the Task Force is making the following recommendation:**

- 1) **Step 1:** Each prosecutor's office, in conjunction with their local laboratory, should come up with the best way to notify their laboratory, as there is not a one-size-fits-all recommendation for every county. This may include submitting notifications through LIMS, email, or phone.
  - a. If the laboratory is ISP, the custom fields will be added to the interface of the LIMS to allow prosecutors to mark when a case has been disposed of, or next court date, if applicable. It is recommended by ISP that access to LIMS be an assignable right so administrative or support staff can also assist in entering this information. Below is the timeline for implementation of improvements to LIMS:
    - i. Custom fields to note next court date and disposition should be added by June 30.
    - ii. The name search function within LIMS was antiquated and did not work well for prosecutors who were then forced to look up cases by agency numbers instead. The search functionality issue has been escalated with the vendor and should be fixed within the next two weeks.



- iii. Immediately available are custom reports that show the lab backlog and have been added to Prelog. This report lets each agency view the backlog, or if run by prosecutors, lets them see the backlog for all cases within the county.

- 2) **Step 2:** Outreach to prosecutor's offices to train them on the best method of communicating when cases have been closed, and to reinforce the idea that this process is in their best interest. It will save the laboratories time by eliminating unnecessary analysis, which will reduce both the backlogs and concerns about speedy trial issues.

**GOAL #2:** Trainings in forensic science for police, prosecutors, defense attorneys and judges.

Laboratories are spending too much time repeatedly giving the same information to officers, lawyers, and judges. They are often answering the same questions over and over by prosecutors or defense attorneys. They are often educating police officers on best evidence to submit for testing or having to sift through submissions and turn down unacceptable evidence submitted by officers for testing. Court appearances might be longer than needed when a judge is unfamiliar with forensic science practices and evidentiary issues.

It is the finding of this subcommittee that trainings of these groups of people will reduce the amount of time lab personnel are spending on the attorneys, judges, or officers and free up time to continue to do testing. **The Task Force is making the following recommendations:**

- For police officers: in coordination with the police training board, along with ongoing training for detectives, training on best practices of 1) crime scene processing and 2) deciding what evidence should be sent to the lab is recommended.
- For prosecutors and defense attorneys: training on laboratory practices and forensic science basics is recommended.
- For judges: evidentiary training on foundational requirements for forensic science is recommended.

The committee is encouraging the use of prerecorded webinars done by local laboratories, followed up by live question and answer meetings, and advocacy sessions put on by legal organizations (i.e. defense bar, prosecutors bar, local bar associations, etc.).

The Tasks Force was unable to provide recommendations on Goals 3 and 4. These two goals should be evaluated by a Forensic Science Commission.

# Training

The Governor's Executive Order provided the Task Force would "Identify obstacles to recruitment, hiring, training and retention of forensic scientists and crime scene investigator at the ISP crime laboratories and other publicly-funded crime laboratories, including efforts to increase diversity..." In order to examine this issue, the Task Force created a training subcommittee.

The Task Force identified both internal and external training needs. The Training Subcommittee was tasked with collecting data from various criminal justice agencies and organizations about training they have received on different aspects of forensic science.

On an as needed basis, the ISP Division of Forensic Science provides training on the following topics:

- User agency training (evidence packaging, submission, testing services provided, etc.)
- Sexual Assault Nurse Examiners (SANE) training
- Convicted Offender DNA collection training
- Gun Swabbing Training
- New Assistant State's Attorney (ASA) Training (direct examination of expert witnesses)
- Appellate Prosecutor Officer's Training
- Crime Scene Investigative Training

To gather input on the trainings needed, the subcommittee developed and distributed a survey to leaders in 15 stakeholder groups including law enforcement associations, legal defense and prosecution communities, courts, victim's advocates, etc. and asked that the survey be completed by those with direct knowledge of training received over the last year.

The survey listed topics that the ISP had provided training on in the past. It then asked five questions about trainings received by stakeholder organizations in the past year from ISP, how well those trainings served their intended purpose, what trainings on forensic science were received from organizations other than ISP, recommendations for other training topics to be covered in the future and any additional comments respondents may have about the topic.

The subcommittee received 63 responses with varying degrees of completeness. Four instances of training from ISP were reported on topics including: Evidence Packaging and Submission, User Agency Training (twice) and Crime Scene Investigation. The question about how well the ISP training suited its intended purpose was not answered correctly as there were 22 total responses. Ten instances of training from other organizations were reported on topics including: Crime Scene Investigations, SANE training, DNA Collection, Drug/Cannabis Analysis and Direct & Cross Examination of Forensic Witnesses.

Recommended topics for training, in addition to those previously provided by ISP included: general forensic laboratory information, DUI and Breathalyzer testing, drug analysis, sexual assault evidence and DNA testing, DNA consumption, training for judges, and latent print evidence/crime scene training. A common response threaded throughout the answers was that ISP agency stakeholders seem largely unaware that these trainings are available to them.

Judges are eager for more training on forensics. This need made up six of the ten additional comments. The other two substantive responses were from law enforcement who were also unaware that training by ISP was available to them.

The information obtained through this brief survey demonstrates a great opportunity for ISP to increase its contact time with its criminal justice stakeholders. Doing so on a regional basis will build relationships and strengthen networks that will advance a greater understanding of forensic science and its applications. A subsequent and more detailed survey is recommended to elucidate more clearly the specific training topics needed by the different stakeholders.

## **Recommendations**

The Task Force recommends the ISP continues to forge new avenues of communication with its user agencies and to do so largely on a regional basis as the needs for training and the topics needed to be covered may differ depending on training provided by other regional organizations.

The Task Force recommends the Forensic Science Commission explore avenues to create a Forensic Science Institute. As noted earlier in the statutory commission report, we recommend the Forensic Science Commission be administratively housed within a university. This presents an excellent opportunity to form a partnership. A Forensic Science Institute devoted to academic excellence can provide educational, research and professional training opportunities for practicing forensic scientists, police officers, the judiciary, prosecutors and defense attorneys. A Forensic Science Institute can address all aspects of forensic sciences, from evidence collection by crime scene investigators, preservation of evidence, analysis of evidence, forensic science reporting and court room testimony. This fits well with the recommendation arising from the External Factors subcommittees on training for police officers, prosecutors and defense attorneys, and judges. Training to all users of the publicly-funded laboratory system on the services available, limitations of testing, and use of forensic science evidence in the courtroom and potentially continuing education could be handled by a Forensic Science Institute.

Earlier the ISP reported the process of hiring and training Forensic Scientists takes significant time; thus, the impact of any new hires is not immediate. The ISP is not able to fill forensic science vacancies as they occur; and once approval is given, the hiring process generally takes six to nine months. Full training of a forensic scientist in both forensic biology and DNA techniques currently takes approximately 24 months. Thus, it takes more than two years from when a forensic biology/DNA scientist vacancy occurs until it is filled by a fully-trained new scientist. The ISP provides technical training to individuals in forensic science. It can cost the ISP between \$124,000 and \$270,000 in commodities, instrumentation, and salaries to train an individual to be a Forensic

Scientist. Pursuant to 20 ILCS 415/8c, as a condition for employment, potential candidates sign a work commitment stating they will work two months with the ISP for every month they are in the training program. A Forensic Science Institute could greatly assist with these training issues.

## **Procurement**

The Governor's Executive Order provided the Task Force would "Identify obstacles to the acquisition of supplies, equipment, and services that are necessary for the effective delivery of timely forensic science service by ISP crime laboratories and other publicly-funded laboratories..." The ISP reported to the Task Force procurement was a factor which contributed to backlogs. The Task Force formed a procurement subcommittee. Unlike the DuPage County Crime Forensic Science and the Northeastern Illinois Regional Crime Laboratory, the ISP must comply with the Illinois Procurement Code (30 ILCS 500/).

The ISP reported one hindrance to the timely purchase of forensic equipment and commodities continues to be the lengthy and complex state procurement process. As additional steps continue to be added to the procurement process, this exacerbates the delays in obtaining necessary supplies and equipment. The expensive DNA commodities have a short shelf life before expiration; therefore, large quantities cannot be maintained in the laboratories, but need to be ordered as necessary. Any delays in the procurement approval process can have an immediate impact on laboratory operations, causing laboratories to run out of critical supplies, stopping analysis, and causing an increase in the backlog or even missed court dates. Additionally, the ISP has experienced delays in the procurement of equipment and services (e.g., contracting with a vendor to perform validations or train scientists in new techniques), which have a direct impact on the ISP's ability to quickly obtain and implement new technology and efficiency measures.

The ISP provided examples such as:

### **Sole Source**

The Chief Procurement Officer and/or State Procurement Officer does not allow more than a one-year sole source contract unless the vendor can show substantial savings to the State with a multi-year contract. Each year two critical DNA commodities vendors recreate documents for sole-source contract approval. While they cannot show substantial saving to the State with a multi-year contract, if ISP could obtain a multi-year contract, the vendor's prices would be locked in. By allowing the vendor to obtain a new contract each year increases the chances the vendor's prices will increase for these critical DNA commodities. There are a significant number of documents which must be recreated each year and impact the time to get a contract in place.

## **Drug Chemistry**

One challenge ISP faces is obtaining the 'state of the art' forensic equipment to help meet the mission of the ISP. Around 1999, the ISP was successful in establishing a sole source contract to procure Agilent gas chromatography flame ionization detector (GCFID) and gas chromatography–mass spectrometry (GCMS) equipment. This contract approach and sole source remained in place until around 2014. At that time, ISP procurement required it release an invitation for bid justifying the sole source contract. Despite significant justifications for the sole source, another vendor was the successful bidder. The challenges in getting the new equipment launched into casework included: significant learning curve to the software, maintenance, and troubleshooting; all of which were extremely different from the Agilent. Other challenges were securing needed maintenance commodities for the new instruments. Additionally, while the vendor 'met' bid specifications by what was said, there were down stream issues which later arose. One specification was the GCFID must be capable of doing multipoint quantitations. The vendor provided specific quantitation training and guidance; curves were established; however, while the initial competency samples were run, the curve fell out of tolerance and competency could not be established. An additional specification was to robustness. While the new instruments had good sensitivity, they were not as robust and required additional maintenance. As well, setting the instruments up for single purpose (e.g. just cocaine and heroin or just for unknowns) seemed to be the best application as it was not able to roll as effectively from method to method as the Agilent's did previously. While it is recognized that multiple vendors provide comparable instrumentation, bid specs to get true "state of the art" caliber equipment require what the state's procurement process has determined to be "lock out specifications." This means writing specifications specific enough to get what you want locks out the other vendors.

## **TECAN**

In 2019, the ISP implemented a liquid handling robot that has the capacity to process upwards of 80 forensic samples at one time with minimal analyst interaction. This project is anticipated to increase productivity in the DNA section by approximately 20 percent. This procurement was delayed by several years through the procurement process because it can be excessively lengthy with multiple people in the approval steps and the process often takes many months to sometimes years to accomplish. There is often extensive back and forth between individuals, such as the Agency Procurement Officer (APO), State Purchasing Officer (SPO) and Chief Procurement Officer (CPO), requesting changes to the bid specifications, clarification on bid specifications or even to the transferring of information to new forms due to changes being implemented since the beginning of the process. In order to track the procurement process weekly updates are maintained. In 2012, the ISP started the process to get a contract to obtain scripts and a maintenance contract for the Tecan robot, which ultimately took six years to get into place. The final contract that was obtained in 2018 for the Tecan did not include scripts or maintenance; it was for the validation of the instrument only. There were significant issues with the first bid for scripts and maintenance that ultimately resulted in the bid being cancelled because ISP could not confirm that the vendor could fulfill the request for proposal specifications. ISP requested permission from the SPO to request additional references from the bidder, which

was denied. The request for proposal was cancelled and the project had to be put on hold due to changes in technology in the DNA section. The project was ultimately completed in December 2019, when the first samples were run on the instrument.

### **Humidity Chambers**

In December 2015, ISP developed specifications for an Invitation for Bid for Humidity Chambers. The intent was this would be an Agency Specific Master Contract where the laboratories could make quick purchases of varying sized humidity chambers. The sizes being bid were: Small Humidity Chamber – 6 to 8 cubic foot unit, Medium Humidity Chamber – 19 to 32 cubic foot unit, Large Humidity Chamber – 44 to 60 cubic foot. The APO denied approval to post this Invitation for Bid because it was too restrictive. ISP was directed to write an Invitation for Bid that included every size humidity chamber. From 2015 to 2019, the specifications were re-written (transferred) to four different Invitation for Bid formats. The final version requested bids for all sizes chambers from 1 cubic foot to 60 cubic foot. The Invitation for Bid was never approved because there was no agreement on how to award this type of contract. Currently, if the laboratories need a humidity chamber, they must individually purchase the one that meets their needs.

### **Balance Calibrations**

In 2016, the ISP was required to send a request for quotes for balance calibrations, instead of using the preferred vendor. The lowest cost small business vendor met the bid requirements and the following issues occurred.

- Vendor did not include serial numbers on certificate
- Vendor had typographical errors on certificates
- When vendor added serial numbers, the wrong serial numbers were on the certificates
- Vendor did not know how to calculate measurement uncertainty (MU)
- When shown, vendor calculated measurement of uncertainty (MU) wrong
- Gave National Institute of Standards and Technology (NIST) traceably certificates that did not meet NIST requirements (not traceable)
- Issue Calibration Certificates (meeting ISO requirements) but level work only qualified as a Statement of Accuracy Certificate.
- Did not clean the balances
- Took balance in palm of hand and flipped it over to read serial number after being calibrated
- Could not meet calibration date for labs because the vendor didn't realize how much work it would be to calibrate all the balances

Ultimately, ISP had to contact the preferred vendor to come in and remediate the work done by the low-bid vendor. The following years the work was sole-sourced to the preferred vendor.

## **Microscope Cleaning**

The default lowest bid vendor was selected for annual cleaning of microscopes. The vendor initially indicated they met all the necessary requirements. While at the laboratory, the vendor indicated they were unfamiliar with comparison microscopes. The service person disassembled an optic bridge of one the scopes before the laboratory personnel could stop him. Upon re-assembly, the microscope did not perform correctly and was taken out of service. Unfortunately, once again the lowest cost vendor outweighed a vendor with a reliable reputation.

## **Heating, Ventilation, and Air Conditioning (HVAC) Maintenance**

In 2018, the Metro East Laboratory HVAC maintenance was bid. Two large business vendors submitted bids; however, their bids came back over \$10,000. This changed the procurement approach for maintenance, which caused the contract to be re-bid. It was re-bid four times, but no vendors submitted bids. Ultimately, the previous vendors who had submitted bids were contacted and asked to bid again. Neither of the previous vendors resubmitted bids. Throughout this time, laboratory management were performing routine maintenance on the HVAC system. On April 1, 2020, a sole source contract was executed with a vendor.

## **Recommendations**

Based upon the information provided by the Illinois State Police, navigation of the state's procurement system has become a contributing factor to the backlogs in the ISP crime laboratory system.

In order to improve the timely procurement and deployment of critical scientific instrumentation, the Task Force recommends the Executive Ethics Commission name a Chief Procurement Officer exclusively for forensics that would be approved by the Commission. This Chief Procurement Officer will be a member of the Forensic Science Commission Procurement Subcommittee. This will ensure that the Chief Procurement Officer's office continues to be a fiscal watchdog over forensics, while working toward advancing forensic programs.

We propose the General Assembly pass legislation to once again provide certain exemptions and streamlining measures to forensics from portions of the procurement requirements in the Illinois Procurement Code. We believe with the inclusion of a Chief Procurement Officer on the Commission, ISP will have a better chance of utilizing this legislation.

The following is the proposed legislation: In consultation with and subject to the approval of the Chief Procurement Officer, the Illinois State Police may obtain contracts for services, commodities, and equipment to assist in the timely completion of Biology, Drug Chemistry, Firearms/Toolmarks, Footwear/Tire Tracks, Latent Prints, Toxicology, Trace Chemistry and Indexing. Contracts to support the delivery of timely forensic science services are not subject to the provisions of the Illinois Procurement Code, except for Sections 20-60, 20-65, 20-70, and 20-

160 and Article 50 of that Code, required under Article 50 of the Illinois Procurement Code. For any contracts for services which are currently provided by members of a collective bargaining agreement, the applicable terms of the collective bargaining agreement concerning subcontracting shall be followed.

## **Additional Recommendation**

### **Remote Testimony**

To address the issues of backlogs, delays in criminal trials, and inefficient use of forensic scientists, the Task Force recommends the General Assembly and Illinois courts develop best practices on the potential use of remote testimony, consistent with the United States and Illinois Constitutions, especially in the disciplines of drug chemistry and toxicology.



# APPENDIX

# Illinois' Publicly-Funded Forensic Science Laboratories

In the State of Illinois, there are three independent publicly-funded crime laboratory systems. Below is a brief overview of each of these crime laboratory systems.

## Illinois State Police

The Illinois State Police (ISP) traces its forensic laboratory roots to Superintendent T.P. Sullivan, Department of Public Safety, who initiated plans for a mobile crime laboratory to serve the state under the ISP authority. On September 12, 1942, Governor Green christened the mobile laboratory in Chicago. The ISP forensic science laboratory system has long been recognized as one of the largest crime laboratory systems in the world.



In 1995, Public Act 89-246 transferred all employees and the laboratory of the Chicago Police Department Crime Laboratory Division to the ISP.

Today, the ISP, Division of Forensic Services (DFS), Forensic Sciences Command (FSC) maintains six operational (case working) forensic science laboratories located across the state, and a Training and Applications Laboratory. The FSC Headquarters office in Springfield provides supervisory and administrative support for all ISP forensic science laboratories. The operational forensic science laboratories receive physical evidence from user agencies and conduct the appropriate scientific examinations. The Training and Applications Laboratory consists of the Research & Development Laboratory and the Statewide Training Program. The Research & Development Laboratory, located in Springfield, conducts studies to enhance current scientific techniques and develop/validate new analytical procedures; this laboratory also may conduct limited case analysis. The Statewide Training Program conducts training for newly hired and current employees and operates out of Chicago and Springfield.

- The Forensic Science Center at Chicago serves primarily the Chicago Police Department and other police agencies within the suburban-Chicago area (population served is approximately 7 million).
- The Joliet Forensic Science Laboratory (Joliet) provides services to approximately 200 law enforcement agencies across seven counties (population served is approximately 2.5 million).

- The Rockford Forensic Science Laboratory (Rockford) provides forensic science services to approximately 167 law enforcement agencies across 11 counties (population served is approximately 1 million).
- The Springfield Forensic Science Laboratory (Springfield) provides forensic science services to approximately 300 law enforcement agencies across 29 counties (population served is approximately 1.5 million). The DNA Indexing Unit, which is part of the Springfield Laboratory, administers the Combined DNA Index System (CODIS) for the entire state and analyzes samples from convicted offenders as eligible by law.
- The Morton Forensic Science Laboratory (Morton) provides forensic science services for approximately 319 law enforcement agencies across 20 counties (population served is approximately 1.1 million).
- The Metro-East Forensic Science Laboratory (Metro-East), located in Belleville, provides forensic science services to approximately 363 law enforcement agencies across 32 counties (population served is approximately 1.2 million). An evidence receiving/return facility is also located in DuQuoin.

The ISP has regionalized some forensic services (e.g., toxicology, trace chemistry) and those services are not performed at all laboratories. However, all such services are available to Illinois law enforcement agencies and the court system; cases are received by the local ISP laboratory and then transferred by ISP to another ISP laboratory that performs the needed service.

### **Mission**

The Division of Forensic Services' mission is to deliver accurate and timely forensic services in the collection and analysis of physical evidence from crimes and assist with the identification and prosecution of offenders and exoneration of the innocent.

### **Staffing**

- Current forensic scientist staff is 245 (including Trainees).
- Current staffing levels are down 22% since 2009.
- Forensic scientist staffing level in 2009 was 313.
- Optimal forensic science staffing level would be 320.
- March 2020, 24 new forensic scientist trainees start the training process.
- No forensic scientists were hired from 2012 through 2014.

## **Funding**

The ISP receives money from the State of Illinois General Revenue as well as the State Offender DNA Identification Fund, State Police DUI fund, and the State Crime Laboratory Fund. In 2014, the ISP began receiving proceeds from Conceal Carry Licenses with \$10 of each conceal carry license directed to the ISP laboratory system, through the State Crime Laboratory fund. Additionally, in 2015, the ISP began receiving \$6,000,000 annually from the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, which is also funded through the Crime Laboratory fund. ISP continues to aggressively pursue federal grant dollars to supplement state funding to aid in addressing the Biology backlog, purchase necessary scientific equipment, and build in-house capacity.

## **Scope**

The ISP provides forensic services to all law enforcement in the State of Illinois.

## **Accreditation**

ISP forensic laboratories maintain accreditation under the International Organization for Standards/International Electrotechnical Commission (ISO/IEC) criteria. This ISO accreditation was originally granted in 2005 by Forensic Quality Services-International (FSQ-I) under ISO/IEC 17025:2005 and FQS-I Forensic Requirements for Accreditation. ISO accreditation has been maintained since that time, currently through the American National Standards Institute-American Society of Quality (ANSI-ASQ) National Accreditation Board (ANAB), with periodic on-site assessments to ensure compliance. In addition to the ISO accreditation, the DNA section maintains compliance with the Federal Bureau of Investigation (FBI) Quality Assurance Standards Audit for Forensic DNA Testing Laboratories.

## **Disciplines**

- Drug Chemistry: Presence of controlled substances and the identification of cannabis.
- Trace Chemistry: Identification and comparison of materials from fires, explosions, paints, and gunshot residue testing.
- Toxicology: Presence of drugs and poisons in tissue, blood, urine, and other body fluids.
- Microscopy: Identification and comparison of fibers, woods, soils, building materials, insulation, and a broad group of miscellaneous materials referred to as "particulate unknowns."
- Biology: Effective in early 2019, the ISP began reporting Forensic Biology and DNA analysis as one combined section called "Biology". Examinations are conducted to look for the presence of physiological fluids and dried stains such as blood,

semen, vaginal fluid, and saliva, which might associate a person to a crime. Once sufficient biological material has been identified, analysis can be performed to develop a DNA profile which can be used to determine from whom that material originated. Unknown DNA profiles can be entered into the Combined DNA Index System (CODIS) to assist in identifying a suspect of connected cases.

- Indexing: Receives samples from convicted offenders and other eligible individuals and prepares the samples for DNA analysis and subsequent entry into CODIS.
- Latent Prints: Identification and comparison of latent and patent impressions from sources like fingers, palms, feet, shoes, or the tread on vehicle tires.
- Firearms & Toolmarks: Examination and comparison of fired bullets, discharged cartridges, guns, gunpowder patterns, and marks left by erased serial numbers in metal or by burglary tools like a pry bar or screwdriver.

### **Work Volume**

Laboratory generated assignments\* in 2019:

- Chemistry 42,074
- Biology 14,122
- Latent Prints 4,905
- Firearms/Toolmarks 6,475
- Footwear/Tire tracks 76
- Toxicology 4,494
- Trace Chemistry 1,175

\*Assignments are generated specific to laboratory policy.

# DuPage County Crime Forensic Science Center

The DuPage County Crime Forensic Science Center is in Wheaton, Illinois. Since May 1, 1971, the laboratory services provided by the Sheriff's Forensic Science Center are made available to all law enforcement agencies in DuPage County. Per the United States Census, the population estimates of DuPage County in July 2019, was 922,921.



## **Mission**

The mission of the DuPage County Forensic Science Center is to provide quality and timely forensic science services to the criminal justice system of DuPage County.

## **Staffing**

Forensic Scientists: 13

## **Funding**

The DuPage County Crime Forensic Science Center receives its funding through the DuPage County Sheriff's Office budget.

## **Scope**

The DuPage County Crime Forensic Science Center provides services to all law enforcement in DuPage County, which is approximately 37 agencies.

## **Accreditation**

The laboratory is accredited by ANSI National Accreditation Board (ANAB) to the ISO/IEC 17025:2017, ANAB 17025:2017 Forensic Science Testing and Calibration Laboratories Accreditation Requirements and the Federal Bureau of Investigation Quality Assurance Standards for Forensic DNA Testing Laboratories:2011.

## Disciplines

- Chemistry: Analyzes evidence suspected to contain cannabis or a controlled substance.
- Criminalistics: Conducts analysis of evidence to determine if finger, palm, and footprints found at a crime scene can be identified as belonging to a suspect.
- Forensic Biology/DNA: Comprises Forensic Biology and DNA. Forensic biology involves the screening of items for bodily fluids and preparing those samples for DNA analysis. DNA refers to the analysis of samples in order to obtain a human DNA profile.

## Work Volume

Laboratory generated assignments\* in 2019:

- Drug Chemistry 1,032
- DNA 437
- Forensic Biology 381
- CODIS/CODIS-Administrative 429
- Latent Prints 231
- Cancellation of Testing 7
- Supplemental 2
- Proficiency Test 29

\*Assignments are generated specific to laboratory policy.

# Northeastern Illinois Regional Crime Laboratory

The Northern Illinois Police Crime Laboratory, now known as the Northeastern Illinois Regional Crime Laboratory, is in Vernon Hills and was founded in 1968. Originally organized as a not-for profit, in 2006 it was reorganized as an intergovernmental cooperative. It serves a population of 1.6 million throughout five counties.



## Mission

The mission of the laboratory is to provide accurate, objective and timely forensic services.

## Staffing

Forensic Scientists: 13

## Funding

The Northeastern Illinois Regional Crime Laboratory receives its funding from the 59 law enforcement agencies in five counties.

## Scope

The Northeastern Illinois Regional Crime Laboratory provides forensic services to 59-member law enforcement agencies.

## Accreditation

First accredited in 1997, Northeastern Illinois Regional Crime Laboratory is now accredited to the ISO/IEC 17025:2017 international standards by the ANSI-ASQ National Accreditation Board (ANAB).

## Disciplines

- Drug Chemistry: Conducts chemical, microscopic, and instrumental analyses of evidence for the identification of controlled substances and cannabis.
- Biology/DNA: Performs serological and DNA analyses of physiological fluids for the purpose of identification and individualization. The type of material typically examined includes, but is not limited to, blood, semen, and saliva collected at crime scenes and from articles of physical evidence.
- Firearms/Toolmarks: Toolmark experts determine if a specific tool produced a toolmark on an object. Firearm identification is a category of toolmark



identification. Firearm identification is the determination whether a fired bullet, discharged cartridge, or other ammunition component was fired by a specific firearm.

- Fingerprints/Footwear: Latent fingerprints can be deposited when residues on the fingers are transferred to surfaces being touched. The patterns, minutiae and ridge morphology within fingerprints, palm prints, and footprints provide details which allow forensic scientists to make identifications by comparing latent prints to known impressions of individuals. Footwear and tire impression is the ability to support an important link between a suspect and the crime scene footwear/tire evidence.
- Toxicology: Toxicology section analyzes samples for the presence of ethanol and controlled substances in impaired driving cases. Testing is provided for urine in suspected drug facilitated sexual assault cases and liquids collected in the illegal transport of open alcohol cases.

### **Work Volume**

Laboratory generated assignments\* in 2019:

- Chemistry 2,274
- DNA 942
- Latent Prints 1,310
- Firearms 908
- Toxicology 538

\*Assignments are generated specific to laboratory policy.



**EXECUTIVE ORDER**

**2019-13**

**EXECUTIVE ORDER ESTABLISHING THE  
GOVERNOR'S TASK FORCE ON FORENSIC SCIENCE**

WHEREAS, the mission of the Illinois State Police Division of Forensic Services ("ISP DFS") is to deliver complete, accurate, and timely crime scene evidence collection and forensic analysis to every law enforcement agency within the state;

WHEREAS, the ISP DFS, provides forensic science analytical services to more than 1,200 state, county, and local criminal justice agencies;

WHEREAS, with nearly 500 forensic services personnel completing over 70,000 forensic assignments every year, the ISP operates one of the largest lab systems in the country;

WHEREAS, there are two other (non-ISP) publicly-funded law enforcement forensic laboratories, the DuPage County Forensic Science Center and the Northeastern Illinois Regional Crime Laboratory, which also provide forensic analysis services to a subset of Illinois criminal justice agencies;

WHEREAS, in a recent report to Congress, the United State Government Accountability Office stated, "the reported number of backlogged requests for crime scene DNA analysis at state and local government labs has increased by 85 percent from 2011 through 2017...[T]his growth has occurred despite labs' collectively processing more requests over time...";

WHEREAS, as noted by the Joyful Heart Foundation, the national crime laboratory backlog "represents a lost opportunity to bring healing and justice to a survivor of sexual violence and safety to a community";

WHEREAS, while the appropriate level of funding is vitally important, the issues facing our crime laboratory system are not simply fiscal, and addressing these issues requires a systematic approach;

WHEREAS at least 10 states have legislatively created forensic science commissions; and

WHEREAS, state forensic science commissions provide a forum for robust discussions among forensic science stakeholders;

WHEREAS, state forensic science commissions focus on critical operation and oversight issues including communication and collaboration among laboratories and stakeholders, allocation of resources, laboratory improvements and the promulgation of accreditation and certification standards;

WHEREAS, a forensic science commission in Illinois would assist the Illinois State Police and the other publicly-funded forensic laboratories to proactively address issues and challenges in their

among forensic science laboratories and stakeholders, which will ultimately improve public confidence in these services;

THEREFORE, I, JB Pritzker, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 of Article V of the Constitution of the State of Illinois, hereby order as follows:

## **I. ESTABLISHMENT OF THE GOVERNOR'S TASK FORCE ON FORENSIC SCIENCE**

There is hereby established the Governor's Task Force on Forensic Science (the "Forensic Science Task Force").

## **II. PURPOSE**

The Forensic Science Task Force shall bring together key stakeholders to work collaboratively to identify and analyze the issues and challenges facing Illinois' publicly-funded crime laboratories. Based on that analysis and using sound scientific judgment, the goal of the Forensic Science Task Force shall be to develop a report providing guidance on the best and most effective long-term strategies to overcome challenges facing the publicly-funded laboratories, ensure effective oversight of the laboratories, maximize the use of forensic technologies to solve crimes and protect the public, and identify potential scientific breakthroughs and new technologies.

## **III. DUTIES**

To achieve the purpose set forth in this Executive Order, the Forensic Science Task Force shall be charged with the following:

- (1) Review the current status of equipment, instrumentation, maintenance, facilities and staffing levels at ISP Crime Laboratories;
- (2) Identify obstacles to the acquisition of supplies, equipment and services that are necessary for the effective delivery of timely forensic science services by ISP crime laboratories and other publicly-funded laboratories;
- (3) Identify obstacles to recruitment, hiring, training, and retention of forensic scientists and crime scene investigators at ISP crime laboratories and other publicly-funded crime laboratories, including efforts to increase diversity;
- (4) Review the law and procedures to identify measures to improve submissions to the Combined DNA Index System (CODIS) and to reduce all Illinois crime laboratories' backlogs;
- (5) Review and recommend improvements in the sharing of information concerning the status of criminal cases and testing of evidence, including the sharing of information between lead investigators and state's attorneys, and the updating of criminal history record information systems;
- (6) Review and recommend improvements in current procedures for prioritizing the testing of evidence at ISP crime laboratories and other publicly-funded crime laboratories;
- (7) Review the structure and work of forensic science commissions in other states and make recommendations concerning the creation and structure of such a commission in Illinois; and
- (8) Make any other recommendations and proposals which would, in the view of the Forensic Science Task Force, further ensure complete, accurate, and timely evidence collection and forensic analysis, as well as the transparent, efficient and effective operation of the publicly-funded Illinois crime laboratories.

Each department, agency, board, or authority of the State shall participate, provide records and other information to the Forensic Science Task Force as requested by the Forensic Science Task Force to carry out its duties, provided that the Forensic Science Task Force and the provider of such information shall make appropriate arrangements to ensure that the provision of information complies with all applicable laws.

The Forensic Science Task Force shall consist of members appointed by the Governor who have experience or expertise related to the criminal justice system and the testing of evidence by publicly-funded crime laboratories. The Forensic Science Task Force shall be chaired by the Director of the State Police. The members of the Forensic Science Task Force shall serve without compensation.

#### **V. REPORT AND SUNSET**

The Forensic Science Task Force shall issue a report detailing its findings and providing guidance and recommendations to the Governor by June 1, 2020. The report shall also be submitted to the General Assembly. Upon submission of this report, the Forensic Science Task Force shall be dissolved.

#### **VII. SEVERABILITY CLAUSE**

If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

#### **VIII. SAVINGS CLAUSE**

This Executive Order does not contravene, and shall not be construed to contravene, any federal law, state statute, or collective bargaining agreement.

#### **IX. EFFECTIVE DATE**

This Executive Order shall take effect immediately upon filing with the Secretary of State.



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JB Pritzker, Governor

Issued by Governor: August 16, 2019  
Filed with Secretary of State: August 16, 2019



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