



STATE OF ILLINOIS

OFFICE OF THE AUDITOR GENERAL

MANAGEMENT AND PROGRAM AUDIT

**ILLINOIS STATE POLICE'S
DIVISION OF FORENSIC SERVICES**

MARCH 2009

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OFFICE OF THE AUDITOR GENERAL
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*To the Legislative Audit Commission, the Speaker
and Minority Leader of the House of Representatives,
the President and Minority Leader of the Senate, the
members of the General Assembly, and the Governor:*

This is our report of the Management and Program Audit of the Illinois State Police's Division of Forensic Services.

The audit was conducted pursuant to Illinois House of Representatives Resolution Number 451, which was adopted June 20, 2007. This audit was conducted in accordance with generally accepted government auditing standards and the audit standards promulgated by the Office of the Auditor General at 74 Ill. Adm. Code 420.310.

The audit report is transmitted in conformance with Section 3-14 of the Illinois State Auditing Act.

A handwritten signature in black ink, appearing to read "William G. Holland". The signature is stylized with a large, sweeping initial "W" and a long, thin tail extending upwards and to the right.

WILLIAM G. HOLLAND
Auditor General

Springfield, Illinois
March 2009

REPORT DIGEST

MANAGEMENT AND PROGRAM AUDIT OF THE

ILLINOIS STATE POLICE'S DIVISION OF FORENSIC SERVICES

Released: March 2009



State of Illinois
Office of the Auditor General

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SYNOPSIS

House Resolution 451 directed the Auditor General to conduct a management and program audit of the Illinois State Police's (ISP) Division of Forensic Services (DFS). Our audit concluded that:

- ISP operates a system of nine forensic labs around the State of Illinois. These labs analyze case evidence for any law enforcement operation in the State.
- Between FY02 and FY07, ISP received \$387 million from State and federal sources to operate its forensic lab system. Relative to lab funding and staffing we found:
 - ISP was directly appropriated \$348.6 million in GRF during the audit period. In addition, over \$15 million was appropriated to DFS from three major fee funds. The remainder, \$22.9 million, came from other funds maintained by ISP or federal grants.
 - While the backlog of cases continues to increase and labs report lost headcount, DFS has **not utilized** all of the funding it received from the General Assembly. Our analysis of expenditure data from the Comptroller's Office shows DFS **lapsed \$19.3 million** in State funds between FY02-FY07. In addition, at January 16, 2008, DFS had allowed **\$1.3 million in 21 federal grants for forensic activities to lapse since 2002.**
 - ISP **transferred** a significant amount of funding (**\$6 million**) to other purposes that was originally appropriated for forensic lab operations.
 - The number of **backlogged cases at ISP labs has increased by over 200 percent** from FY02-FY07 (3,426 cases to 10,387 cases). However, the number of forensic scientists, including trainees, has **declined** 3 percent during the same time period – 336 in FY02 to 327 in FY07.
- During FY07, ISP's lab system held two major accreditation certificates, one from the American Society of Crime Laboratory Directors/Laboratory Accreditation Board and another, conducted by Forensic Quality Services.
- ISP has **underreported backlogged DNA cases** in its Accountability Report provided to the Governor and General Assembly. Additionally, when ISP outsourced a DNA case to a vendor, **ISP took that case out of its backlog statistics.** Providing inaccurate and misleading information in reports inhibits the ability of the General Assembly to recognize the true needs of the ISP labs.
- From January-June 2007, the Rockford lab implemented an unconventional method for processing forensic biology/DNA cases which resulted in the misstatement of the true DNA backlog, in violation of the Unified Code of Corrections.
- From 2000-2007, ISP **utilized seven outside vendors** to provide forensic services. Total State payments to these seven vendors were **over \$16 million.** Relative to outsourcing we found:
 - Most analyses conducted by contractual labs performing DNA analyses were not completed within the 75 day processing time requirement contained in their contracts with ISP.
 - **Significant delays** between the time ISP received a case to when it was outsourced to a contractual lab.

REPORT CONCLUSIONS

The Illinois State Police (ISP) operates a system of nine forensic labs around the State of Illinois. These labs analyze case evidence for any law enforcement operation in the State. During FY07, almost 122,000 cases were submitted to the ISP labs.

The Division of Forensic Services (DFS) provides expert evidence collection and state-of-the-art scientific evidence analysis to assist with the identification and prosecution of offenders, and exoneration, for the ISP and other State, federal and local law enforcement agencies. The Division also provides assistance to local law enforcement agencies through training, management, and consulting services.

Sufficiency of Funding and Staffing

Between FY02 and FY07, ISP received \$387 million from State and federal sources to operate its forensic lab system. Funding from the General Revenue Fund and various fee funds accounted for over 96 percent of ISP forensic funding. The General Assembly directly appropriated \$348.6 million in General Revenue Funds to the Division of Forensic Services (DFS) during the audit period. In addition, over \$15 million was appropriated to DFS from three major fee funds: the ISP Crime Lab Fund, the DUI Fund, and the DNA ID Fund. The remainder, \$22.9 million, came from other funds maintained by ISP or federal grants.

While the backlog of cases continues to increase and labs report lost headcount, DFS has **not utilized** all of the funding it received from the General Assembly. Our analysis of expenditure data from the Comptroller’s Office shows DFS **lapsed \$19.3 million** between FY02 and FY07. Of the total \$19.3 million lapsed, \$15.5 million (80 percent) was lapsed during fiscal years 2002, 2003 and 2004. Almost half of the General Revenue Funding lapsed during this time period (\$7.7 million of \$15.6 million) was for staff-related salaries and benefits.

In addition, ISP **transferred** a significant amount of funding to other purposes that was originally appropriated for forensic lab operations. During the audit period, over **\$6 million** was transferred by ISP out of the forensic services area. While ISP does have appropriation transfer authority, underfunding the forensic services area can have a negative impact on the safety of the citizens of Illinois and the justice system.

We also determined that DFS routinely allowed grant funding to lapse. DFS received over \$14 million in federal grants during the audit period from a variety of sources, including the National Institute of Justice, Project Safe Neighborhoods, and funds set aside for the Paul Coverdell National Forensic Sciences Improvement Act. As of January 2008, ISP

had allowed **\$1.3 million in 21 federal grants for forensic activities to lapse since 2002.**

Significant backlogs exist in all sections within the ISP’s forensic lab system. ISP has **not completed a formal study** of the optimal staffing needed to operate its forensic labs at sufficient levels to maintain its case processing goals. The number of **backlogged cases at ISP labs has increased by over 200 percent** from FY02 to FY07 (3,426 cases to 10,387 cases). However, the number of forensic scientists, including trainees, has actually **declined 3 percent** during the same time period – 336 in FY02 to 327 in FY07. While ISP has notified the Governor’s Office of backlog and staffing needs, the Governor’s Office has not allowed ISP to replace lost **headcount**. Failure to maintain necessary staffing levels results in cases remaining unsolved and serial criminals could remain free to commit additional crimes.

ISP’s inability to fill lost forensic positions has resulted in staff performing work outside of their official duties. Forensic scientists working outside their position descriptions have negatively impacted the ability of ISP to meet its 30-day case processing goal. Time spent away from analytical work lengthens the processing time for case analysis. We found:

- Systemwide, the ISP labs met the turnaround of 30 days in 62.4 percent of the 115,956 cases processed during calendar year 2007.
- Three ISP labs processed **less than 15 percent** of their cases within the 30-day time frame. The Rockford lab only met the 30-day goal for 8.3 percent of all its cases during calendar year 2007. Metro-East and Joliet were able to meet the 30-day goal 11.1 percent and 14.1 percent of the time respectively. It took the Joliet lab an average of over 182 days to process 2,271 of the cases it worked during 2007.

Quality Assurance Program and Case Backlog

During FY07, ISP’s forensic science lab system held two major accreditation certificates, one from the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) and another, the International Organization for Standardization (ISO), conducted by Forensic Quality Services (FQS-I). ISP first received its ASCLD/LAB accreditation in 1982; the FQS-I ISO accreditation was received in 2005. In June 2007, ISP allowed the ASCLD/LAB accreditation to lapse, keeping the FQS-I ISO accreditation.

FQS-I and ASCLD/LAB’s accreditations are similar, but vary in implementation. The accreditation process generally **consists of an initial**

site visit by a team of scientists associated with the respective accrediting organization, interim site visits, and self-reporting on the part of the labs. For example, FQS-I’s accreditation cycle for ISP is four years with a comprehensive site visit after two years, whereas ASCLD/LAB’s accreditation cycle is for a period of five years with annual site visits that sample aspects of the lab’s management system.

ISP’s Forensic Sciences Command (FSC) has established an **extensive** quality assurance program, which includes:

- Adoption of professional standards and guidelines, as well as issuing Command Directives and manuals.
- Assessing compliance through both internal reviews and external assessments.
- Monitoring service to assure quality and providing corrective action for quality concerns identified.
- Performing various types of internal and external proficiency testing, case file reviews, case reanalysis, and other procedures.

The Quality Assurance procedures can result in “**Minor Issues**” (issues which would not deter or have any effect on the adjudication process) or “**Issues Affecting Cases**” (issues which would effect adjudication). During 2007, 185 Minor Issues were reported in the various disciplines through the Quality Assurance program. This is a **decrease** from 220 in 2005 and 204 in 2006. These Minor Issues can be as innocuous as misspellings and pagination issues to dates of analysis being incorrect. Other Minor Issues include: improper cross outs, evidence description being different than evidence, and missing information from reports.

Twenty-three issues **that could affect** the adjudication of the evidence analyzed were found during the Quality Assurance testing in 2007. This is an increase from 9 in 2005 and 13 in 2006. These issues included failure to identify certain fluids to results changed from inconclusive to identification. However, to the Division of Forensic Service’s (DFS) credit, more quality assurance cases have been initiated to respond to quality issues. DFS initiated 46 in FY05, 71 in FY06, and 94 in FY07.

To determine whether ISP is resolving quality concerns that arise, we sampled 45 of the 211 Quality Issue Reports (QIRs) opened during FY05-FY07. A QIR Form is utilized to follow the progress of remedial/corrective action taken to resolve a quality issue, and serves as a record of the actions taken. If the QIR case was substantiated, we tested to ensure that actions taken were appropriate to remedy the issue. Of the 45 QIR cases we sampled, 34 were substantiated, all of which were followed up on and had an appropriate disposition.

We did note that ISP is **not conducting site visits as required** by ISP’s Quality Manual and QA Program. Quality Review Coordinators conducted **only two** site visits in the last three years. The Quality Manual requires site visits to all the labs **at least once** during a Quality Review Coordinator’s term, which is two or three years depending on discipline.

Case backlogs within the ISP forensic labs have **grown significantly** during the audit period. The overall backlog for all sections within all labs has grown by 203 percent (not including backlogged cases which are outsourced), while total case submissions have only grown by 10 percent. A case is considered backlogged if it is not worked within 30 days of receipt. The longer cases remain unanalyzed, the longer the perpetrators go unidentified, free to commit additional crime.

ISP has **underreported backlogged DNA cases** in its Accountability Report provided to the Governor and General Assembly. The backlogged DNA statistics in the Accountability Report, required by 730 ILCS 5/5-4-3a, do not match internal ISP documents **and** did not include cases which ISP has outsourced to private vendors. The most significant difference reported was for FY05. The DNA Accountability Report notes a **backlog of “0,”** as does an ISP weekly report to the Governor’s Office. On July 13, 2005, the Governor sent a letter to lab user agencies **announcing the elimination** of the backlog for DNA cases. However, ISP’s backlog statistics showed a backlog of **170 DNA** cases for the same time period. ISP officials attributed the discrepancies to an inability for the management reporting system to provide actual backlog numbers until 2006; therefore, the backlog numbers previously reported for FY04-FY06 in the DNA Accountability Reports were **estimates**, according to ISP officials.

In addition, when ISP outsourced a DNA case to a vendor, **ISP took that case out of its backlog statistics.** For example, after reporting a backlog of “0” at June 30, 2005, a July 2005 weekly report to the Governor’s Office notes that 126 DNA cases were outsourced in June 2005. According to ISP officials, these 126 DNA cases would **neither** be counted in the 0 cases reported in the Accountability Report nor in ISP’s 170 cases reported in the backlog statistics report. Likewise, any other DNA cases that had been outsourced and were older than 30 days (as well as any forensic biology cases that became DNA cases) would also not be included in any of ISP’s backlog numbers. Providing inaccurate and misleading information in reports inhibits the ability of the General Assembly to recognize the true needs of the ISP labs.

The FY08 DNA Accountability Report released August 1, 2008, was the first report to include data on the number of backlog cases at vendor labs. This increased the backlog figure by 36 percent – from 844 (backlog cases in-house) to 1,149 (backlog cases in-house and

outsourced). This new reporting mechanism was instituted after this issue was raised by auditors.

From January through June 2007, the Rockford lab implemented an unconventional method for processing forensic biology/DNA cases which resulted in the misstatement of the true DNA backlog, in violation of the Unified Code of Corrections (730 ILCS 5/5-4-3(a)(1)). According to the lab director, Forensic Services Command (Command) knew of the use of this unconventional method, condoned the practice, and never told the lab to discontinue its use.

At the Rockford lab:

- The lab director implemented a process, in January 2007, whereby the one full-time scientist that analyzed biology cases was instructed to only work biology cases until 15-20 were ready to be transferred for DNA testing. After that level (15-20) was reached, the scientist would not work any other biology cases so as to not increase the workload in DNA, thus increasing the backlog of DNA cases. The analyst was assigned other duties to help the DNA processing such as proofing reports. The lab director reported that this strategy was communicated to the bureau manager, within Command, in charge of the Rockford lab.
- The end result of this unconventional processing method was that the DNA backlog would be understated and the biology backlog would become inflated. It needs to be noted that during FY07 only the DNA backlog, and not the biology backlog figures, were reported to the General Assembly in the DNA Accountability Reports.
- Our review of ISP backlog figures at the Rockford lab for the period FY06-FY07 showed a 211 percent increase (from 55 to 171 cases) in biology with a corresponding 51 percent decrease (from 169 to 83) in DNA backlog figures.

To obtain users’ perspectives on the performance of the ISP’s forensic labs, we surveyed local police departments, county sheriff’s offices, state’s attorneys, and public defenders located throughout the State. The following summarizes the major conclusions from their responses:

- **Timeliness:** Overall, 51 percent of the users surveyed indicated that they were satisfied or very satisfied with forensic results related to timeliness. Conversely, 26 percent responded that they were dissatisfied or very dissatisfied. Seventy-one percent cited timeliness problems with biology/DNA cases; 35 percent cited timeliness problems with latent print cases.

When a “rush” analysis was requested, only 19 percent responded that the State lab was unable to meet that request.

- **Impact of Timeliness on Cases:** Nearly half, **46 percent**, responded that problems with timeliness **negatively impacted** a case in the past five years. Many respondents indicated that the delays in receiving results hindered the prosecution of cases including not filing cases, dismissing cases, cases being delayed, and losing cases. Delays have also affected law enforcement’s ability to arrest suspects or keep suspects in custody, and have caused individuals to remain suspects longer than necessary.
- **Adequacy or Accuracy of Results:** User agencies provided positive ratings of the accuracy of ISP forensic analyses. Overall, **86 percent** of respondents indicated that they were satisfied or very satisfied with the adequacy/accuracy of results while only 4 percent were dissatisfied or very dissatisfied.
- **Sufficiency of ISP Standards and Procedures:** We asked if, in the last five years, agencies had issues during a court case with the sufficiency of ISP standards and procedures. An example of this would be challenges to the standards and procedures in court. **Ten percent** (5 of 49) of the respondents identified an issue.

Investigations of Forensic Results

The Paul Coverdell Forensic Improvement Grants Program requires a certification that a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of forensic results. In the proposal for FY07 Coverdell funding, ISP listed **two entities** to meet the independent external investigation requirement: the ISP Division of Internal Investigation (DII) and the Illinois Office of the Executive Inspector General (OEIG).

DII provided a list of 56 investigations conducted during fiscal years 2005 – 2008 (through April 2008) that involved the Division of Forensic Services. In addition, OEIG provided two reports that involved the Division of Forensic Services. However, although investigations involving the Division of Forensic Services were conducted, **neither investigating entity designated as such by ISP under the Coverdell Program was aware of the Coverdell requirements**. In addition, because DII is part of ISP and because many cases are referred back to the Division of Forensic Services for investigation, it is questionable whether these investigations meet the independent external criteria.

The Division of Forensic Services **could not provide** a list of investigations that met the Coverdell criteria. We reviewed 17 DII

investigations conducted during fiscal years 2005-2008 that were most likely to meet the Coverdell criteria. Of the 17 DII investigations we reviewed, five involved errors that impacted forensic results. In all five cases, the allegations against the forensic scientist **were sustained**. Where necessary, agencies were notified of the errors through the issuance of amended reports.

Internally, ISP utilizes the Quality Issue Report (QIR) form to assure remedial/corrective action is taken to resolve quality issues. If the review was initiated due to external questions, the agency is to be notified of the results of the review. However, the QIR form does not specifically address whether the agencies were notified of the results of the review at the review’s conclusion. One of nineteen QIR cases reviewed did not indicate that the external agency was contacted with the results.

Regional Advisory Board meetings, one of the processes in place to receive feedback regarding quality concerns, **were not being held annually** at two of the eight operational labs as required.

We asked users of the State labs that if they have had problems with lab results, did the State lab first contact them to discuss these problems or did they contact the State lab to discuss these problems. Responders indicated that both situations occurred. Comments were generally positive regarding results when resolving an issue. However, when asked if the State labs have an established procedure to voice any concerns or issues regarding forensic services, 49 percent (24 of 49) of the respondents answered yes that there was a procedure with the remainder answering no or not sure if there was a process in place.

Outsourcing of Case Analysis

ISP officials outsource case analysis as part of the ISP’s ongoing efforts to reduce the backlog. During the period 2000 through 2007, ISP **utilized seven outside vendors** to provide forensic services. Total State payments to these seven vendors were **over \$16 million**. Most of the contractual forensic services procured were related to forensic biology and DNA analysis.

ISP has established a Quality Assurance program which monitors the quality of analyses done by the contractual labs. Approximately three percent of outsourced forensic biology cases are reworked by ISP for quality assurance after being returned by the outside vendors. Additionally, ISP sends three percent of the total DNA outsourced cases as blind proficiency tests. In these blind proficiency tests, ISP has already worked up the DNA profile on the cases, has the vendors work up the cases, which the State pays for, and ISP then compares the results from the vendor to the known results of its own testing.

Most analyses conducted by contractual labs performing DNA analyses were not completed within the 75 day processing time requirement contained in their contracts with ISP. ISP contracts state, *“The Contract Laboratory shall complete analysis of each shipment of forensic casework samples **within 75 days of receipt**. If the Contract Laboratory cannot meet the delivery date(s) for the effort as specified in its proposal, it will be liable to the State to the sum of **\$1,500 per day** not to exceed a maximum of 200 days that such delivery is late unless sum is waived by ISP (emphasis added).”*

During the time period from FY02-FY07, we calculated the number of days it took contractual labs to complete their analyses. We added two additional days to the 75 day requirement to allow for shipping the forensic material to the lab, since ISP’s database does not track when the contractual lab received the case from ISP, but rather only has the date sent. We found that from FY02-FY07:

- 16 percent of cases were returned within 77 days from the sent date;
- 53 percent of cases were returned between 78 and 85 days from the sent date;
- 8 percent of cases were returned between 86 and 100 days from the sent date; and
- 21 percent were returned over 100 days from the sent date.

Furthermore, ISP is **not utilizing enforcement provisions** contained in the contracts when time requirements are not met. When we questioned ISP officials regarding the enforcement of the penalty provisions in the contract, ISP responded: “No one contacted can recall who developed this language, when it was developed, or the original idea about how this penalty would be applied and calculated. It is possible it was developed/added by a former employee within the Division of Forensic Services. No documentation remains on this matter.” ISP officials stated that to their knowledge they have **never invoked a penalty**.

Forensic Sciences Command monitors whether or not the outsourcing vendors are returning the cases within the 75 day turnaround. According to ISP staff, weekly conference calls between Command and the vendor usually occurred, discussing the status of batches. An ISP official stated ISP sometimes gave approval of the vendor not meeting the 75 day return deadline and later provided examples of this approval.

We also identified **significant delays** between the time ISP received a case, to when it was outsourced to a contractual lab. From a sample of 141 cases, we found:

- The **median** number of days ISP took to send to the vendor for outsourcing was **79**, with a range of 2 days to 1,517 days.
- The **median** number of days from ISP receiving evidence on a case to receiving a report of the results from the vendor was **170**, ranging from 78 days to 1,597 days.

ISP officials noted that before a case can be sent out for analysis, some work must be done on it by ISP forensic scientists. However, the ISP management information system does not capture the number of days this preparation takes. The longer a case submitted by a user agency is at ISP and not being worked, the **less timely its value** in the criminal justice system.

Our review of the procurement process for five contracts ISP awarded for forensic services identified several areas of concern.

- A \$19,800 contract for Quality Assurance testing of DNA samples was awarded after receiving only **two** bids. ISP policy required **three** bids for small purchases. Furthermore, the procurement file contained no award notice or documentation showing which vendor was awarded the contract. According to the ISP Procurement Officer, since it was procured as a small purchase, an award notice is not required.
- A \$612,200 contract for training ISP forensic scientists was awarded by ISP as a sole source procurement. We questioned why these services were not competitively procured. An ISP official stated that this contract was determined to be a sole source procurement and procuring this competitively as a professional and artistic contract was **never discussed as an option**. The procurement file did not contain a justification of the sole source award. Furthermore, documentation showed that the ISP Commander of the Forensic Services Command, at the time, who was in charge of this procurement, had a relationship with the sole source vendor as the president of its Board of Directors. In a March 2004 email, an ISP procurement official stated, **“By procuring this training as a sole source we will not be required to disclose any conflicts of interest (emphasis added).”** We identified at least one other potential vendor which had the capability to provide these services. (pages 1-7)

INTRODUCTION

On June 20, 2007, the Illinois House of Representatives adopted Resolution 451 (See Appendix A), which directs the Auditor General to conduct a management and program audit of the Department of State Police’s (ISP) Division of Forensic Services. In summary, the Resolution

directed the Auditor General to determine: (1) the sufficiency of funding and staffing of the ISP forensic labs; (2) the program adequacy of lab operations including policies and protocols and backlog of forensic analyses; (3) the extent of investigations on forensic operations; and, (4) issues surrounding outsourcing of forensic operations. (page 8)

ILLINOIS STATE POLICE

The Illinois State Police (ISP) was established January 1, 1970 and was reorganized by Executive Order in 1977 and again in 1993. ISP’s responsibility is to maintain order as mandated by Illinois Compiled Statutes, while safeguarding the rights and privileges of all citizens of the State. To fulfill this responsibility ISP has been vested with various powers, rights and duties by State law. (pages 8-9)

Division of Forensic Services

The Division of Forensic Services (DFS) provides expert evidence collection and state-of-the-art scientific evidence analysis to assist with the identification and prosecution of offenders, and exoneration, for the ISP and other State, federal and local law enforcement agencies.

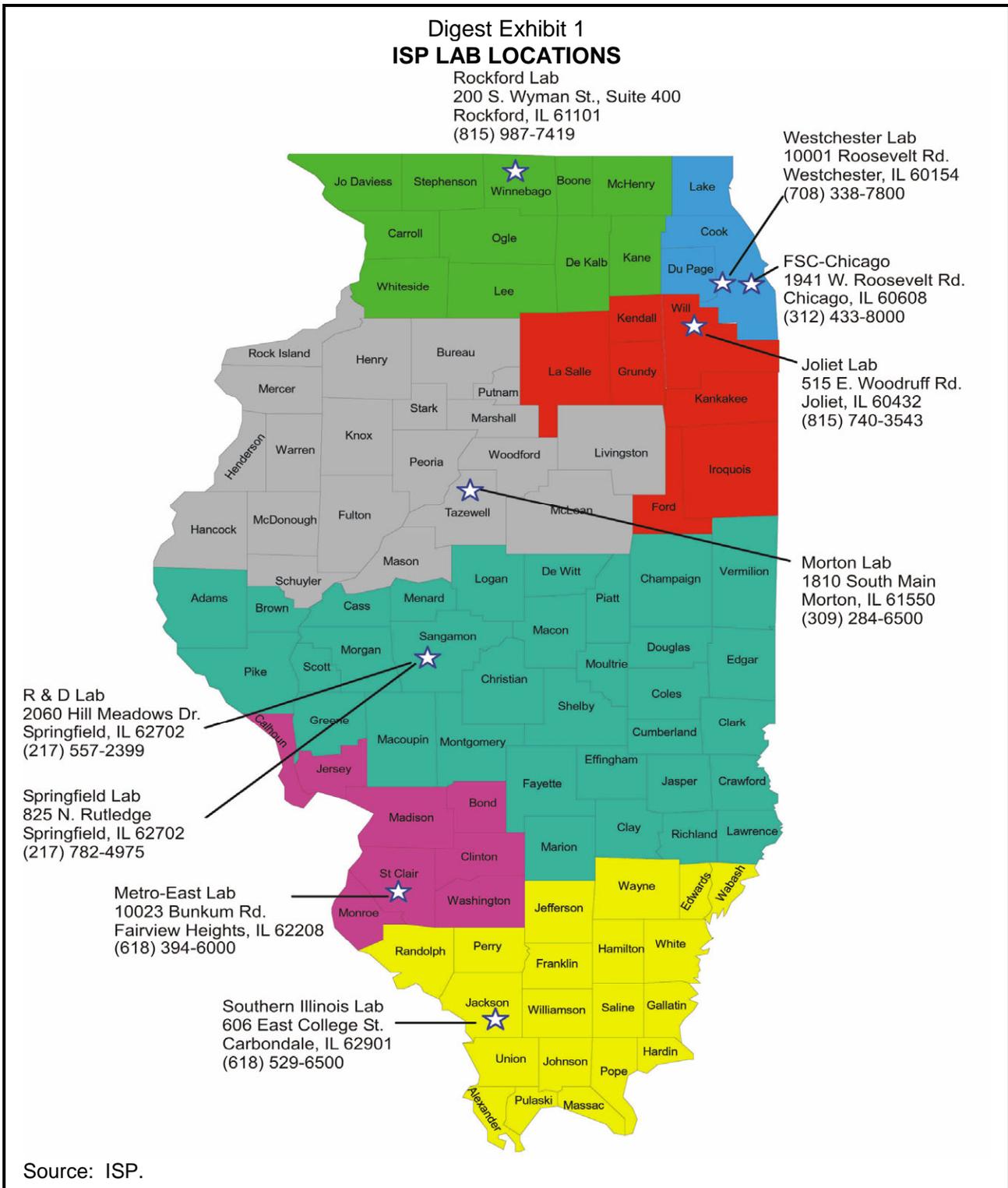
State law (20 ILCS 2605/2605-40) outlines the functions DFS is to provide for the people of Illinois. Functions include:

- *Establish and operate a forensic science lab system, including a forensic toxicological lab 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.*
- *Subject to specific appropriations made for these purposes, establish and coordinate a system for providing accurate and expedited forensic science and other investigative and lab services to local law enforcement agencies and local State’s Attorneys in aid of the investigation and trial of capital cases.* (page 9)

ISP shall establish a forensic science lab system to assist local law enforcement agencies.

Forensic Lab Locations

Each operational lab serves a specific geographical location in the State and provides analysis of evidence from crimes committed in that region. Digest Exhibit 1 provides the location for the nine ISP labs around the State with the counties that generally utilize each lab. (page 11)



Forensic Lab System

Nine forensic science labs statewide provide an array of specialty forensic services. Scientists can provide investigators with literally

hundreds of leads through DNA identification and examination of hair, fibers and fluids – nearly anything collected at a crime scene.

The ISP labs are various sizes and are designed to serve a specific population. While ISP leases 6 of 9 labs, there are plans to convert some to State-owned facilities. The State has purchased land in Belleville and intends to build a facility and move the Metro-East lab from Fairview Heights to Belleville. Part of the Springfield lab moved into other space that is owned by Southern Illinois University in Springfield in 2008. Digest Exhibit 2 summarizes the characteristics of the ISP labs. (pages 12-13)

Digest Exhibit 2 LAB CHARACTERISTICS				
Lab	Population Service Area	Square Footage	Location Occupancy	Owned or Leased
Westchester	5.0 million	13,000	1994	Leased
Chicago	2.9 million	85,000	1996	Owned
Rockford	1.0 million	20,000	1989	Owned
Morton	1.1 million	13,000	1979	Leased
Joliet	2.5 million	22,000	1965	Owned
Springfield	1.5 million	36,000	1991	Both
Metro-East	675,000	15,000	1985	Leased
Southern Illinois	500,000	24,000	1985	Leased
Springfield R&D	Statewide	7,000	1994	Leased

Source: Forensic Sciences Command Annual Reports 2004-2007.

Services Provided by ISP Labs

Operational labs have various sections that are responsible for conducting specific types of analysis. The number of sections per lab varies and is dependent upon case load submission.

The eight operational labs do not offer all the same analyses.

Not all labs have all of the sections. If evidence comes into a lab that doesn’t offer such service, the ISP staff will forward the evidence to a lab that does have such service. Digest Exhibit 3 lists the sections/analyses each lab offers. (pages 13-15)

Digest Exhibit 3
ANALYSES PROVIDED BY LAB

Lab	Section/Analysis								
	Biology/DNA	Drug Chemistry	Firearms/Toolmarks	Footwear/Tire Tracks	Latent Prints	Microscopy	Questioned Documents	Toxicology	Trace Chemistry
Springfield	✓	✓	✓	✓	✓		✓	✓	✓
Chicago	✓	✓	✓	✓	✓	✓			✓
Southern Illinois	✓	✓		✓	✓	✓			
Metro-East	✓	✓	✓	✓	✓				✓
Joliet	✓	✓	✓	✓	✓		✓		✓
Rockford	✓	✓	✓	✓	✓				
Morton	✓	✓	✓		✓				
Westchester		✓						✓	
R&D Springfield	✓	✓							

Source: OAG summary from ISP documentation.

Lab Conditions

Several ISP labs experience a number of environmental factors which could adversely impact the analysis of evidence. While ISP is addressing some of the deficiencies, it does not have a comprehensive plan to address all the issues.

During the audit we toured all nine ISP lab sites and spoke with lab directors regarding the condition of the labs. Lab directors reported a number of facility issues including mold, asbestos, lack of drinking water, and space constraints.

ISP officials told auditors that the Capital Development Board (CDB), Central Management Services (CMS), and ISP Logistics are working on a recommendation and obtaining funding for Joliet. Further, officials stated that new buildings for Joliet and Carbondale are on the ISP Capital Project List. However, ISP has to find money in its own budget for interim fixes, such as restoration crews to clean up mold in Southern Illinois and Springfield. For new buildings, ISP would need money from CDB.

An official with ISP’s current accrediting body (FQS-I) reported that poor environmental conditions can affect accreditation. If the environmental conditions affect the quality of testing or compromise the

ISP lab directors reported instances of mold, asbestos, lack of drinking water and space constraints in some of the labs.

quality of the evidence, then a lab’s accreditation can be affected. For example, a water leak dripping on the evidence or an uncontrolled temperature that could affect machinery and testing would be considered an environmental issue. According to ISP, no such conditions have yet affected ISP’s accreditation. (pages 15-17)

FUNDING BACKGROUND

ISP received \$387 million for forensic activities during the period FY02-FY07.

DFS received \$387 million in funding for the period FY02-FY07 for forensic lab activities. Funding was primarily received from State appropriations (\$373 million) with an additional \$14 million in federal grants. State funding made up more than 96 percent of total funding received by DFS during the audit period. Digest Exhibit 4 shows the funding amounts from State and federal sources.

Digest Exhibit 4 DFS FUNDING ANALYSIS FY02-FY07	
Source	Amount
<i>Direct Appropriation-DFS:</i>	
General Revenue Fund	\$348,639,262
DNA ID Fund	\$7,723,500
ISP Crime Lab Fund	\$3,800,000
DUI Fund	\$3,800,000
<i>Other Appropriations:</i>	
Road Fund	\$4,598,385
Asset Forfeiture Fund	\$2,200,000
General Revenue Fund	\$1,280,404
Whistleblower Fund	\$632,799
ISP Services Fund	\$75,000
<i>Federal Grants</i>	\$14,125,597
Total	\$386,874,947

Source: OAG summary of ISP information.

ISP has not conducted a study to determine the funding level needed for lab operations.

While ISP officials indicated that additional funding is needed for lab operations, ISP had **conducted no formal analysis** to determine what the funding level should be.

State Funding

The General Assembly appropriated \$364 million in State funds during the audit period **directly to DFS** for lab operations. State funding to DFS included General Revenue Fund (GRF) appropriations and three fee funds.

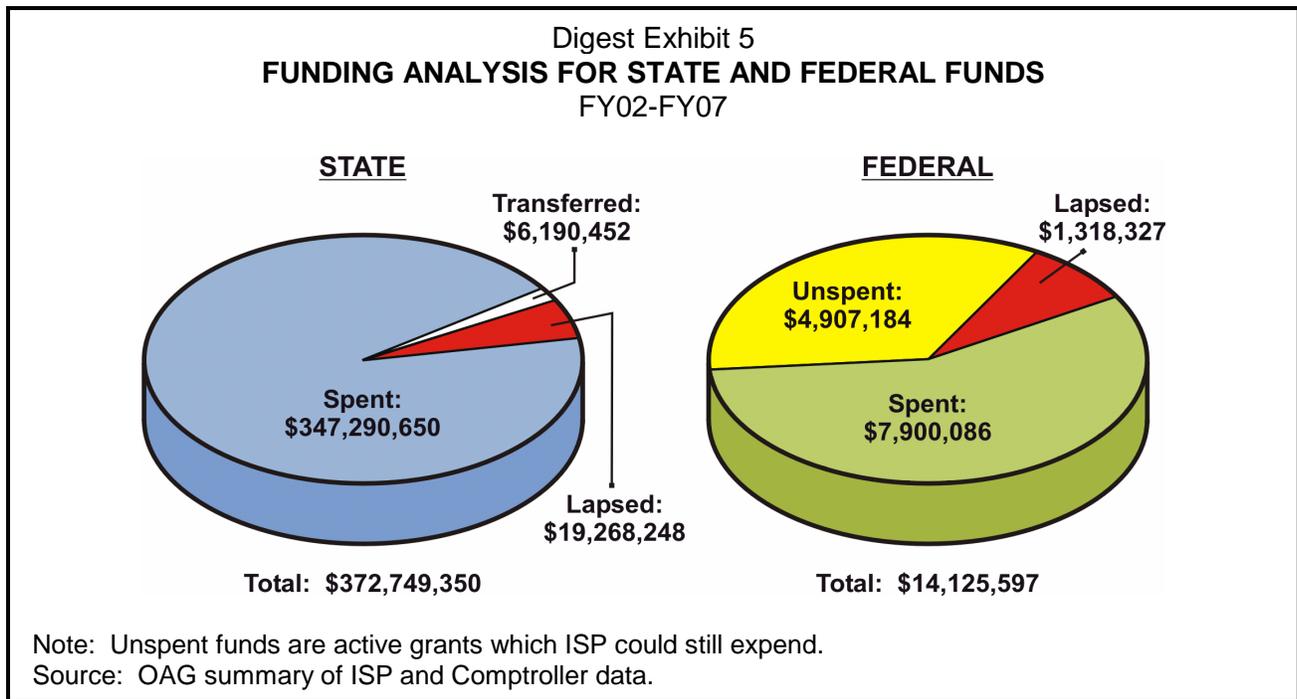
ISP labs utilized fee funds to prop up operational budgets.

According to staff, DFS also received and spent \$8.8 million in funds for forensic services (i.e., DNA outsourcing, training) that were **not directly appropriated to DFS**. These additional monies were from the Road Fund, ISP Services Fund, Asset Forfeiture Fund and GRF. Spending from these other funds was limited to FY02-FY04. ISP officials also provided information that monies from the Whistleblower Fund were used for outsourcing DNA cases during FY02-FY05. (pages 22-23)

Lapsed Funding

While ISP forensic labs report backlogs and lost headcount, DFS has not utilized all of the funding it received from the General Assembly. Our analysis of expenditure data from the Comptroller’s Office shows **DFS lapsed \$19.3 million** in State funds between FY02 and FY07. Of the total \$19.3 million lapsed, \$15.5 million (80 percent) was lapsed during fiscal years 2002, 2003 and 2004. Additionally, ISP allowed \$1.3 million of federal grants for forensic lab activities to lapse. Digest Exhibit 5 shows a comparison of the total funding received by DFS between FY02 and FY07 and the amount of funding lapsed from appropriations and federal grants. (pages 28-29)

ISP lapsed \$19.3 million in State funds during the audit period.



Transfers

ISP transferred a significant amount of funding to other purposes that was originally appropriated for forensic lab operations. During the audit period, over \$6 million was transferred by ISP out of the forensic services area. While ISP does have appropriation transfer authority, under funding the forensic services area can have a negative impact on the safety of the citizens of Illinois and the justice system.

The majority of funds transferred, \$6.19 million, were transferred outside of DFS. One transfer, in the amount of \$43,900, was transferred within DFS from personal services into employee retirement.

ISP transferred over \$6 million that was appropriated for forensic services by the General Assembly.

ISP transferred \$1.2 million for payment to the CeaseFire Illinois program.

Most of the transfers, \$4.3 million, were made to pay for vehicle expenses (repairs, oil, gas, financing, etc.). Other purposes for transfers included \$170,000 for legal services and settlements, \$316,100 for payroll obligations and employee retirement contributions and \$1,215,900 to fund the **CeaseFire Illinois anti-violence program** in FY04.

The longer it takes cases to be analyzed, the greater the chances that criminals commit additional crimes on the citizens of Illinois. Transferring funds to other operational areas, in light of the case backlogs, does not allow DFS to accomplish its goals. Failure to utilize funding appropriated by the General Assembly for the purposes intended circumvents the intentions of the General Assembly. (pages 29-30)

GRANT FUNDING

ISP received over \$14 million in grants during the audit period for forensic services.

ISP’s Division of Forensic Services received \$14,125,597 in grants during the audit period. DFS created budgets totaling \$14,056,771. ISP was not timely in executing and administering some grants. Additionally, ISP lapsed \$1.3 million in grant funding for grants that had been officially closed.

Failure to Expend Entire Grant Awards

DFS routinely allowed grant funding to lapse. During the audit period, ISP lapsed \$1.3 million in grant monies received for forensic lab services. Twenty-one of twenty-three grants lapsed some amount ranging from under \$100 to \$568,000.

According to Illinois Criminal Justice Information Authority (ICJIA) officials, the DuPage County Sheriff’s Crime Lab and the Northern Illinois Regional Police Crime Lab spend grant funding as soon as they receive the permission to do so. ISP, however, does not spend grant funding in a timely manner. For example, the FFY06 Coverdell funding cycle was to run August 1, 2007 through July 31, 2008. As of February 2008, **six months into the grant**, ISP had not spent any of the \$320,547 in federal funding.

ISP did not spend all of the grant funding provided for forensic services.

Digest Exhibit 6 shows grant funds that were not expended by DFS as of January 16, 2008. Several of the grants in the exhibit that show a large unspent dollar amount are still active. According to ISP officials, there are several National Institute of Justice (NIJ) grant programs for which funds have been awarded but the programs are not currently active due to ISP efforts to complete 2005 and 2006 grant programs. (pages 31-35)

Digest Exhibit 6			
UNSPENT GRANT FUNDING BY DIVISION OF FORENSIC SERVICES			
As of January 16, 2008			
Grant	Grant Award	Expenditures	Lapsed
<i>Closed Grants:</i>			
FY01 No Suspect DNA Backlog Reduction	\$500,000	\$500,000	\$0
FY02 Crime Lab Improvement	\$250,000	\$220,059	\$29,941
Project DRAGUN (Drugs and Guns)	\$16,320	\$16,250	\$70
FY03 No Suspect DNA Backlog Reduction	\$1,236,480	\$940,274	\$296,206
FY03 Convicted Offender Backlog Reduction	\$628,633	\$619,280	\$9,353
Sexual Assault DNA Analysis	\$160,000	\$159,900	\$100
Sexual Assault DNA Evidence Collection	\$300,443	\$81,034	\$219,409
Sexual Assault DNA Evidence Collection	\$408,159	\$404,459	\$3,700
Sexual Assault DNA Analysis	\$85,263	\$84,950	\$313
Sexual Assault DNA Analysis	\$416,214	\$414,064	\$2,150
Project Safe Neighborhood 2004	\$40,000	\$39,233	\$767
Midwestern Association of Forensic Scientists	\$1,887	\$1,887	\$0
Midwest Forensic Resource Center	\$15,307	\$14,798	\$509
Sexual Assault DNA Analysis Program	\$363,693	\$343,148	\$20,545
Juvenile Accountability Incentive Block	\$100,000	\$50,000	\$50,000
2002 Coverdell Grant	\$141,689	\$141,099	\$590
2003 Coverdell Grant	\$153,226	\$143,894	\$9,332
2004 Coverdell Grant	\$289,134	\$286,889	\$2,245
2005 Coverdell Grant	\$316,037	\$253,487	\$62,550
2004 DNA Capacity Enhancement	\$1,529,577	\$1,499,689	\$29,888
2005 Convicted Offender Backlog Reduction	\$80,094	\$79,478	\$616
2006 Convicted Offender Backlog Reduction	\$16,175	\$3,791	\$12,384
2004 Forensic Casework DNA Backlog Reduction	\$1,753,447	\$1,185,788	\$567,659
<i>Subtotal – Closed Grants</i>	\$8,801,778	\$7,483,451	\$1,318,327
Grant	Grant Award	Expenditures	Unspent
<i>Open Grants:</i>			
2006 Coverdell Grant	\$320,547	\$0	\$320,547
2005 Forensic Casework DNA Backlog Reduction	\$1,175,886	\$412,156	\$763,730
2006 Forensic Casework DNA Backlog Reduction	\$850,000	\$0	\$850,000
2005 DNA Capacity Enhancement	\$1,309,335	\$4,479	\$1,304,856
2006 DNA Capacity Enhancement	\$1,668,051	\$0	\$1,668,051
<i>Subtotal – Open Grants</i>	\$5,323,819	\$416,635	\$4,907,184
Total	\$14,125,597	\$7,900,086	\$6,225,511

Source: OAG summary of DFS grant awards and expenditure documentation.

STAFFING ISSUES

The number of backlogged cases increased over 200 percent between FY02-FY07.

Significant backlogs exist in all sections within the ISP forensic lab system. ISP has not completed a formal study of the optimal staffing needed to operate its forensic labs at sufficient levels to maintain its case processing goals. The number of **backlogged cases worked by ISP labs has increased by over 200 percent** from FY02 to FY07 (3,426 cases to 10,387 cases). While ISP has notified the Governor’s Office of backlog and staffing needs, ISP staff have reported the Governor’s Office has not allowed ISP to replace lost headcount.

Failure to maintain the necessary staffing levels results in cases remaining unsolved and serial criminals could remain free to commit additional crimes. 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.

Staffing Levels

ISP officials stated that when a Forensic Scientist position is lost through resignation or retirement, the headcount reverts to a Forensic Scientist Trainee vacancy. ISP officials also said that Forensic Scientist Trainee vacancies would not necessarily be filled in the same discipline or the same lab where the headcount was previously located. Forensic Sciences Command headquarters would determine the placement of the new hires based on operational needs both at the time of hire and at the completion of training.

Vacancies created when staff leave are not necessarily filled in the same lab or section by ISP.

ISP administrative staff reported that headcount at the forensic labs is constrained by the Governor’s Office of Management and Budget (GOMB) and that GOMB does not allow ISP to fill positions when forensic scientists leave. Once a scientist leaves the ISP lab system, it can take up to two years, after the hiring process is completed, to train a new scientist.

During the period FY02-FY07, we found:

- Overall headcount decreased by 3 percent.
- However, during the same period, **the number of cases submitted for analysis increased by 10 percent.**

Digest Exhibit 7 shows the Forensic Services Command staff levels at the end of FY02-FY07. (pages 38-40)

Digest Exhibit 7 FORENSIC SCIENCES COMMAND STAFFING FY02-FY07 (at June 30 each year)												
Position Title/Type	FY02		FY03		FY04		FY05		FY06		FY07	
Senior Administration (PSA and SPSA)	69	3	54	21	55	17	62	7	59	9	58	2
Forensic Scientists (I, II, III)	260	N/A	286	N/A	294	N/A	301	N/A	288	N/A	284	N/A
Forensic Scientist Trainees	76	15	31	33	36	21	0	33	18	2	43	2
Scientific Support (Evidence Techs)	22	13	31	16	25	8	29	8	29	6	33	5
Clerical Support (Assistants, Clerks, etc.)	64	8	53	21	55	5	54	5	56	7	54	8
Maintenance (Buildings/Grounds)	9	0	9	0	8	2	8	1	12	3	13	1
Information Technology (Systems Analyst)	0	0	1	1	2	0	1	1	1	1	2	0
Total	500	39	465	92	475	53	455	55	463	28	487	18
Cases Submitted	110,415		109,278		116,355		121,538		121,782		121,934	
Note: PSA-Public Service Administrator SPSA-Senior Public Service Administrator.												
Note: Red figures are vacancies at June 30 per position title.												
Note: N/A – not applicable; vacant forensic scientist positions revert to trainees.												
Source: OAG summary of ISP staffing documentation.												

ISP has **lost significant experienced staff** over the past four years. During calendar years 2004-2007, 117 personnel left employment with the labs. While some of these positions have been replaced, they are replaced by less experienced individuals that will take some time to learn the position. According to documentation compiled by ISP, 64 forensic scientists have left the employment of the forensic labs between calendar years 2004 and 2007. An additional 16 evidence technicians were lost during the same period. (pages 40-41)

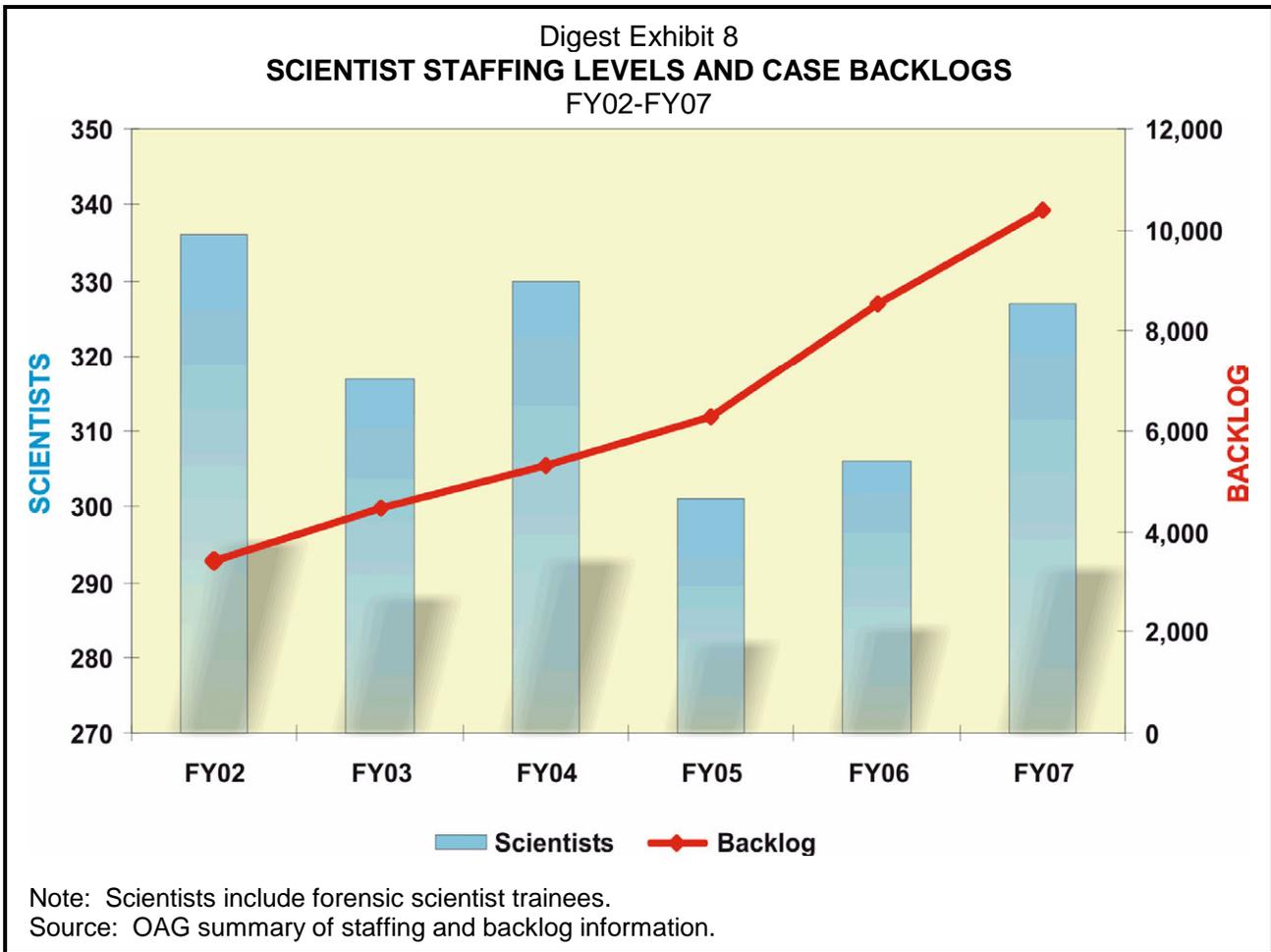
Backlogs and Staffing

ISP has growing backlogs in virtually all of its forensic testing sections. ISP officials stated that they have not conducted any studies on the funding or staffing levels that would be necessary to eliminate the backlog in cases that have not been worked.

To determine if the number of staff has an effect on the backlog of cases, we compared the **trends in staffing and backlogs** for fiscal years 2002 through 2007. We found that even as the number of scientists increased from fiscal years 2002 through 2005, the number of backlogged

ISP has lost significant experienced staff in the labs between 2004 and 2007, including 64 forensic scientists.

cases also increased. The number of scientists increased by 10 percent from fiscal year 2002 to 2003 as shown in Digest Exhibit 7. This was the biggest staffing increase during the time period covered by the audit. During this same time period, backlogged cases increased by 30 percent, the second largest increase during the audit period. Digest Exhibit 8 depicts the relationship between staffing (the number of forensic scientists plus trainees) and backlogs. (pages 41-42)



ACCREDITATION

ISP has maintained a national accreditation since 1982 for its labs.

During FY07, ISP’s forensic science lab system held the two major accreditation certificates generally accepted by the forensic community: ASCLD/LAB through the American Society of Crime Laboratory Directors/Laboratory Accreditation Board and ISO (International Organization for Standardization). ISP first received its ASCLD/LAB accreditation in 1982. The ISO accreditation was provided through Forensic Quality Services (FQS-I) in 2005.

Prior to 2005, ISP was only accredited by ASCLD/LAB. According to an ISP official, ISP decided that ISO accreditation has international recognition in all fields, and is just as, or more, rigorous than the ASCLD/LAB Legacy accreditation; therefore, in June 2007, ISP let the ASCLD/LAB Legacy accreditation lapse.

Accreditation Assessments

In May 2005, an initial ISO program assessment was conducted on ISP labs against the standards of ISO/IEC 17025. Despite 48 site-specific findings and 19 general findings or instances of non-compliance with the standards, the assessment team indicated in its report that there were a relatively small number of findings for an initial assessment. All non-compliant issues were appropriately remediated and by October 2005, ISO accreditation was awarded to each ISP lab. In August/September 2007, ISP received another ISO program assessment. Twenty-nine site-specific and 6 general instances of non-compliance were noted. (pages 50-52)

CASE BACKLOGS

Case backlogs within the ISP forensic labs have grown significantly during the audit period. From FY02-FY07, the overall backlog for all sections within ISP’s labs has grown by 203 percent (not including backlogged cases which are outsourced), while total case submissions have only grown by 10 percent. The longer cases remain unanalyzed, the longer the perpetrators go unidentified, free to commit additional crime.

Backlogs occur when the number of cases submitted to the lab exceeds the capacity of the lab staff to conduct the analysis within a 30-day time period. While the 30-day turnaround is an informal ISP goal, it is the basis for backlog reporting utilized by ISP and many other states.

ISP’s backlog of unworked cases has grown from FY02 to FY07. Digest Exhibit 9 shows the number of backlogged cases by section and the percent increase (positive) or decrease (negative) from FY02 to FY07.

ISP’s DNA Accountability Reports

ISP is statutorily required, by Public Act 93-0785, to submit DNA testing backlog accountability reports to the Governor and to the General Assembly to show the extent of the DNA backlog and what measures have been and are being taken to reduce it. The purpose of the reports is to provide the Governor and General Assembly with information **so that they can better monitor the progress of backlog reduction** and respond accordingly to any critical needs. (pages 52-53)

ISP defines a backlogged case as one that is not worked in 30 days.

Digest Exhibit 9							
BACKLOGGED CASES BY SECTION							
FY02-FY07							
Section	FY02	FY03	FY04	FY05	FY06	FY07	% Change from FY02 to FY07
Drug Chemistry	692	269	944	1,337	1,826	2,053	196.7%
DNA	266	742	147	170	644	668	151.1%
Documents	36	21	15	20	33	14	-61.1%
Firearms/Toolmarks	196	263	458	912	629	947	383.2%
Biology	605	995	847	765	1,670	2,512	315.2%
Footwear/Tire Tracks	37	81	120	54	64	91	145.9%
Latent Prints	1,443	1,719	2,086	2,348	2,814	3,344	131.7%
Microscopy	65	104	54	49	27	67	3.1%
Toxicology	1	7	220	11	167	199	19,800.0%
Trace Chemistry	85	269	420	596	680	492	478.8%
Total	3,426	4,470	5,311	6,262	8,554	10,387	203.2%

Source: Illinois State Police backlog statistics.

Differences in DNA Accountability Reports and ISP Backlog Statistics

ISP’s internal backlog statistics reflect **higher** backlog numbers than the DNA Accountability Reports. The most significant difference reported was for FY05. The DNA Accountability Report noted a backlog of “0,” as does an ISP weekly report to the Governor’s Office. On July 13, 2005, the Governor sent a letter to lab user agencies **announcing the elimination** of the backlog for DNA cases.

While the Accountability Report and the weekly report showed a backlog of 0 at the end of FY05, ISP’s backlog statistics showed a backlog of 170 DNA cases for the same time period. ISP officials attributed the discrepancies to an inability for the CALMS system to provide actual backlog numbers until 2006; therefore, the backlog numbers previously reported for FY04-06 in the DNA Accountability Reports were **estimates**, according to ISP officials.

The DNA backlog figures are **understated** in **both** the DNA Accountability Reports and ISP backlog statistic reports. When ISP outsources a DNA case to a vendor, **ISP takes that case off its backlog and, up until FY08, considered it part of the vendor’s backlog.** (pages 53-54)

Distortion of DNA Backlog Statistics

From January through June 2007, the Rockford lab implemented an unconventional method for processing forensic biology/DNA cases which resulted in the misstatement of the true DNA backlog, in violation of the Unified Code of Corrections (730 ILCS 5/5-4-3(a)(1)). According to the lab director, Forensic Sciences Command (Command) knew of the

ISP provided the General Assembly with a report that understated the true DNA backlog of cases.

use of this unconventional method, condoned the practice, and never told the lab to discontinue its use.

At the Rockford lab, the lab director implemented a process, in January 2007, whereby the one full-time scientist that analyzed biology cases was instructed to only work biology cases until 15-20 were ready to be transferred for DNA testing. After that level (15-20) was reached, the scientist would not work any other biology cases so as to not increase the workload and backlog of DNA cases. The analyst was assigned other duties to help the DNA processing, such as proofing reports. The lab director reported that this strategy was communicated to the bureau manager, within Command, in charge of the Rockford lab.

The end result of this unconventional processing method was that the DNA backlog would be understated and the biology backlog would become inflated. It needs to be noted that during FY07 only the DNA backlog, and not the biology backlog figures, were reported to the General Assembly in the DNA Accountability Reports.

Our review of ISP backlog figures for the period FY06-FY07 showed a 211 percent increase (from 55 to 171 cases) in biology with a corresponding 51 percent decrease (from 169 to 83) in DNA backlog figures. This DNA backlog included 50 cases discovered in March 2007 where the lab director found the biology scientist had worked cases in excess of the 15-20 limit. These cases were not in any backlog at the time. (pages 54-55)

ISP’s Efforts to Decrease Backlogs

Although ISP officials have been taking actions to decrease backlogs, ISP **does not have a formal plan** to address backlogs, nor were officials aware of any studies done to ascertain the funding level needed to eliminate backlogs. Activities ISP has undertaken to reduce backlogs include:

- Requested more staffing and utilized overtime.
- Outsourced cases to private labs to decrease the DNA and Forensic Biology backlogs and get information back to user agencies in a more timely manner; however, ISP is outsourcing less due to problems with vendors and the lack of time savings when review of outsourced cases is considered.
- Transferring cases between State labs.
- Increasing efficiency, streamlining training programs, new technology and looking at cases that have the most probative value for efficiency. However, without a formal plan, ISP lacks defined goals for decreasing backlogs and does not have benchmarks with which to compare its progress. (page 64)

In 2007, the Rockford lab utilized a practice which resulted in an understatement of the true DNA backlog at that lab.

ISP has not developed a formal plan to address eliminating case backlogs.

ADEQUACY OF ISP POLICIES, PROCEDURES, AND PROTOCOLS

ISP utilizes multiple professional guidelines for forensic operations.

ISP’s Forensic Sciences Command (FSC) is responsible for ensuring the individual labs maintain compliance with professional guidelines. According to the FSC Quality Manual, it uses the following professional guidelines: ISO 17025 standards, FQS supplemental requirements, and DNA Quality Assurance Standards published by the FBI. FSC has established Command Directives and manuals to implement these standards. Compliance is assessed through both internal review and external assessments. (page 67)

PROCESS TO RESPOND TO QUESTIONS OF ADEQUACY AND ACCURACY

The quality of services for both the lab as a whole and the individual analysts are monitored continually through administrative reviews. If a quality issue is identified, ISP utilizes the Quality Issue Report (QIR) form to assure remedial/corrective action is taken to resolve the quality issue. If the QIR was initiated because of questions raised by external parties, ISP’s practice is to notify the party of the results of the review.

The QIR form contains information on whether external agencies were notified at the beginning of the review. However, the QIR form does not specifically address whether the agencies were notified of the results of the review at the review’s conclusion.

We tested a sample of 45 QIRs from a total of 211 QIRs during fiscal years 2005-2007. As part of that sample, we examined 19 that were initiated as a result of external questions. External questions came from a range of users, including state’s attorneys, police departments, and coroners. In nearly all cases, the agency that initially contacted ISP was notified of the results of the review. However, of the 19 QIRs initiated due to an external question, one did not indicate that the external agency was contacted with the results.

Regional Advisory Board meetings were not being held at 2 of 8 operational labs.

ISP has a number of processes in place to receive feedback regarding quality concerns. Regional Advisory Board meetings, one of the processes in place to receive feedback regarding quality concerns, **were not being held annually** at two of the eight operational labs as required. Not holding annual Advisory Board meetings could result in users of those labs not having a means of providing direct input into the services provided.

We asked users of the State labs that if they have had problems with lab results, did the State lab first contact them to discuss these problems or did they contact the State lab to discuss these problems. Responders indicated that both situations occurred. Comments were generally positive regarding results when resolving an issue. However, when asked if the State labs have an established procedure to voice any concerns or issues regarding forensic services, 49 percent (24 of 49) of the respondents answered yes that there was a procedure, with the remainder answering no or not sure if there was a process in place. (pages 76-81)

INVESTIGATIONS

The Paul Coverdell Forensic Science Improvement Grants Program awards funds to states and units of local government to help improve the quality and timeliness of forensic science and medical examiner services. To request a Coverdell Program grant, an applicant must submit, in addition to all other required documents, a certification that:

A government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of forensic results committed by employees or contractors of any forensic laboratory system, medical examiner’s office, coroner’s office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.

In the proposal for FY07 Coverdell funding, ISP listed two entities to meet the independent external investigation requirement: the ISP Division of Internal Investigation (DII) and the Illinois Office of the Executive Inspector General (OEIG).

A DII official we spoke to was unfamiliar with the specifics of the Coverdell requirements but said that DII has conducted investigations involving forensic services. DII provided a list of 56 investigations conducted during fiscal years 2005 – 2008 (through April 2008) that involved the Division of Forensic Services. Investigations fell into two categories: 1) investigations conducted by DII (20 cases) and 2) investigations referred back to the Division of Forensic Services (36 cases). According to ISP’s Complaint and Disciplinary Investigations policy (PER-030), DII will investigate allegations that, if true, would result in discipline greater than summary punishment (two-day suspension). Allegations deemed to be less serious transgressions will be referred back to the referring unit to be investigated.

ISP reported two independent investigatory agencies for Coverdell funding; neither agency was aware of the Coverdell requirements.

Like DII, the OEIG was also unfamiliar with the Coverdell requirements. The OEIG did, however, provide two reports that involved the Division of Forensic Services. DII also noted that they work with the OEIG and keep in contact with them to discuss cases but do not work on the same cases.

Not notifying DII and the OEIG that they were named as the investigative entities in the Coverdell grant proposal could have an adverse effect on whether investigations conducted meet the Coverdell requirements. Specifically, the entities need to ensure that investigations are conducted independently and that the entities have the capabilities and resources to investigate allegations involving DNA analysis.

Additionally, because DII is part of ISP and because many cases are referred back to the Division of Forensic Services, it is questionable whether they meet the requirement that investigations be both independent and external. Of the 56 investigations conducted from fiscal years 2005-2008, 36 cases (64 percent) were actually referred back to the Division of Forensic Services to conduct the investigations.

We asked the Commander of Forensic Services whether any investigations conducted would fall under the Coverdell requirements (allegations of serious negligence or misconduct substantially affecting the integrity of forensic results) and, if so, to specify which investigations met this criteria. The official could not provide a list of investigations that met the criteria. Instead the official responded that there are some examples; however, no analytical results were impacted.

We reviewed 17 DII investigations conducted during fiscal years 2005-2008 that were most likely to meet the Coverdell criteria. Contrary to the Commander’s statement, five involved errors that impacted forensic results. In all five cases, the allegations against the forensic scientist were sustained. For two of the cases, the errors were corrected in the case files but had not been reported in a lab report to an agency; therefore, notifying the agencies was not required. For the remaining three cases, the errors were corrected and the agencies were notified of the errors through the issuance of amended reports. (pages 82-85)

OUTSOURCING VENDORS

According to documentation provided by ISP, seven outside vendors have been contracted with between 2000 and 2007 to provide forensic services. From FY00-FY07, ISP paid outsourcing vendors a total of \$16,355,731. The vast amount of forensic outsourcing by ISP is for biology and DNA testing. Digest Exhibit 10 details payments made by ISP to vendors for outsourcing. (pages 93-94)

5 of 17 investigations we examined involved errors that impacted forensic results.

ISP paid vendors over \$16 million for forensic services during the audit period.

Digest Exhibit 10 OUTSOURCING PAYMENTS MADE TO VENDORS FY00 – FY07	
Vendor	Amount
Orchid Cellmark ¹	\$14,616,717
Bode Technology	\$1,651,311
Lab Corp of America	\$54,900
Reliagene	\$25,390
Independent Forensics of IL	\$5,970
Strand Labs	\$1,393
Paternity Testing Corp	\$50
Total	\$16,355,731
Note: ¹ Orchid Cellmark was also paid under the following names: Cellmark Diagnostics, Inc.; Cellmark Diagnostics, Inc. DBA Lifecodes Inc.; Orchid Cellmark Germantown DBA Lifecodes Inc.; Orchid BioSciences, Inc.	
Source: Comptroller data summarized by OAG.	

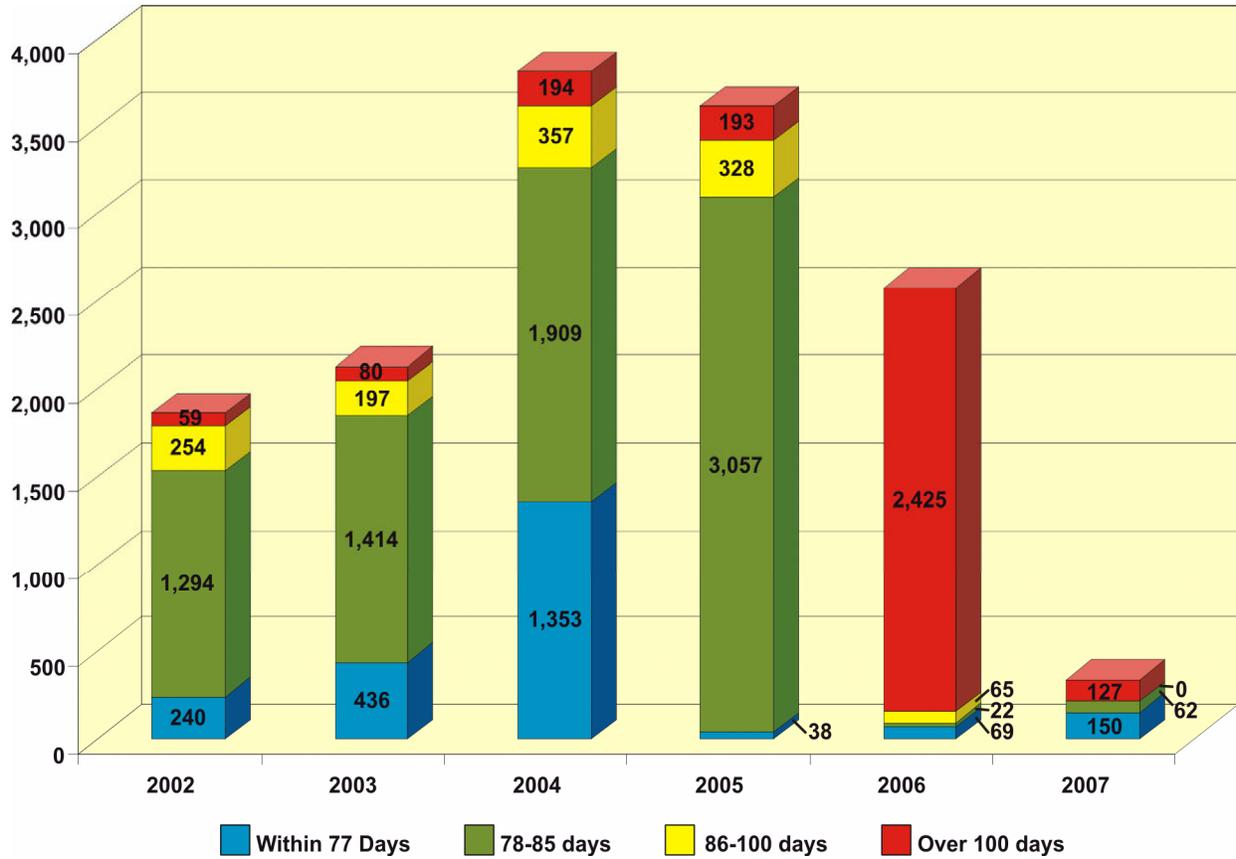
TRACKING OF OUTSOURCED CASES

ISP outsourcing vendors were not meeting the required turnaround time for analyses of DNA cases, and therefore were in violation of their contracts. While ISP’s contracts with the vendors have penalty clauses, ISP doesn’t know who inserted those penalty clauses or how to enforce them.

Using the data from ISP’s Approach database, we calculated how many cases were returned to ISP within a 77 day turnaround time. We used 77 days because ISP does not track when the contract lab actually receives the cases. We added two days to the 75 day contract specification because outsourcing contract language dictates that cases are to be shipped to the contract lab via an overnight carrier and the contract lab must confirm with ISP the receipt of samples within 24 hours of receipt. We found that for the six years, only 16 percent of the cases were returned within 77 days from the sent date. However, 53 percent of cases were returned between 78 and 85 days and another 8 percent of the cases were returned between 86 and 100 days. Cases being returned over 100 days from the sent date equaled 21 percent. Results by fiscal year are summarized in Digest Exhibit 11. ISP reported that the large number of FY06 cases that took more than 100 days were due to cases being returned unworked by one vendor that were then sent to another vendor to analyze. (pages 101-103)

84 percent of outsourced cases were not returned to ISP within time constraints identified in the contracts - ISP did not invoke penalty clauses which were also in the contracts.

Digest Exhibit 11
OUTSOURCING TURNAROUND ANALYSIS
 FY02-FY07



Source: OAG summary of ISP information.

Time Taken to Outsource Cases

ISP has not been timely in getting cases outsourced.

ISP has not been timely in sending cases out for analysis. The longer a case submitted by a user agency is at ISP and not being worked, potentially the less its value in the criminal justice system.

In order for us to ascertain how long cases may have been waiting at ISP prior to being outsourced, we sampled CALMS data for 151 outsourced cases in order to calculate the number of days between when ISP first received the case, when ISP sent the case to be outsourced, and when the case was concluded. Of these 151 cases, 10 cases were unable to be calculated based on factors such as the case was too old to have been included in the CALMS system or the case was submitted as part of the QA process.

For the remaining 141 cases, the median number of days ISP took to send to the vendor for outsourcing was 79, with a range of 2 days to 1,517 days. The median number of days from ISP receiving evidence on a case to receiving a report of the results from the outsourcing vendor was 170 days, and ranged from 78 days to 1,597 days. (pages 103-104)

OUTSOURCING PROCUREMENT TESTING

We reviewed the procurement process for five contracts ISP had for forensic services. These five contracts have an estimated financial commitment of \$5,561,591. Results of our review included:

- A QA testing of DNA samples was procured as a small purchase by ISP. However, in an email from the Director of QA to the vendors solicited for bids, the Director discusses having \$25,000 to spend, which exceeds the \$20,000 threshold, and would have required competitive bidding.
- For the same procurement, an ISP official indicated that ISP obtained three quotes as required by internal ISP policy, and the lowest quote was awarded. However, the procurement file **only contained two bids**. Another vendor was contacted by the Director of QA; however, it declined to bid due to a potential perceived conflict of interest since it has a multi-million dollar contract for outsourced casework.
- A training contract awarded to a vendor by ISP as a **sole source** award had a maximum amount of \$612,200 even though we identified another vendor that was capable of providing the training.
- We questioned why ISP did not competitively bid this training procurement. An ISP official explained that this contract was determined to be a sole source procurement in March 2004 and procuring this as a professional and artistic contract was **never discussed as an option**. Documentation showed that the ISP Commander of the Forensic Sciences Command, at the time, who was in charge of this procurement, also had a relationship with the sole source vendor as the president of its Board of Directors. In a March 2004 email by an ISP procurement official who was conducting a review of the sole source request, he noted this fact and expressed his concern that “By procuring this training as a sole source we will not be required to disclose any conflicts of interest.”
- ISP forensic lab trainees complained of the training vendor’s lack of equipment to be trained on, stating they had to work in shifts and go back after normal training hours to complete the training. While ISP officials contended that the accelerated training program from this vendor was one of a kind, the State trainees that attended the academy had differing reports. (pages 106-108)

ISP did not receive the required number of quotes for a quality assurance testing contract.

ISP awarded a \$612,000 sole source training contract to a vendor where a high ranking forensic employee from ISP was a board president.

AUDIT RECOMMENDATIONS

The Audit contains 16 recommendations. The Illinois State Police agreed or partially agreed with some recommendations and disagreed with other recommendations. Appendix F of the audit report contains the agency responses.



WILLIAM G. HOLLAND
Auditor General

WGH\MJM
March 2009

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Chapter One

INTRODUCTION & BACKGROUND

REPORT CONCLUSIONS

The Illinois State Police (ISP) operates a system of nine forensic labs around the State of Illinois. These labs analyze case evidence for any law enforcement operation in the State. During FY07, almost 122,000 cases were submitted to the ISP labs.

The Division of Forensic Services (DFS) provides expert evidence collection and state-of-the-art scientific evidence analysis to assist with the identification and prosecution of offenders, and exoneration, for the ISP and other State, federal and local law enforcement agencies. The Division also provides assistance to local law enforcement agencies through training, management, and consulting services.

Sufficiency of Funding and Staffing

Between FY02 and FY07, ISP received \$387 million from State and federal sources to operate its forensic lab system. Funding from the General Revenue Fund and various fee funds accounted for over 96 percent of ISP forensic funding. The General Assembly directly appropriated \$348.6 million in General Revenue Funds to the Division of Forensic Services (DFS) during the audit period. In addition, over \$15 million was appropriated to DFS from three major fee funds: the ISP Crime Lab Fund, the DUI Fund, and the DNA ID Fund. The remainder, \$22.9 million, came from other funds maintained by ISP or federal grants.

While the backlog of cases continues to increase and labs report lost headcount, DFS has **not utilized** all of the funding it received from the General Assembly. Our analysis of expenditure data from the Comptroller's Office shows DFS **lapsed \$19.3 million** between FY02 and FY07. Of the total \$19.3 million lapsed, \$15.5 million (80 percent) was lapsed during fiscal years 2002, 2003 and 2004. Almost half of the General Revenue Funding lapsed during this time period (\$7.7 million of \$15.6 million) was for staff-related salaries and benefits.

In addition, ISP **transferred** a significant amount of funding to other purposes that was originally appropriated for forensic lab operations. During the audit period, over **\$6 million** was transferred by ISP out of the forensic services area. While ISP does have appropriation transfer authority, underfunding the forensic services area can have a negative impact on the safety of the citizens of Illinois and the justice system.

We also determined that DFS routinely allowed grant funding to lapse. DFS received over \$14 million in federal grants during the audit period from a variety of sources, including the National Institute of Justice, Project Safe Neighborhoods, and funds set aside for the Paul Coverdell National Forensic Sciences Improvement Act. As of January 2008, ISP had allowed **\$1.3 million in 21 grants for forensic activities to lapse since 2002.**

Significant backlogs exist in all sections within the ISP's forensic lab system. ISP has **not completed a formal study** of the optimal staffing needed to operate its forensic labs at sufficient levels to maintain its case processing goals. The number of **backlogged cases at ISP labs has increased by over 200 percent** from FY02 to FY07 (3,426 cases to 10,387 cases). However, the number of forensic scientists, including trainees, has actually **declined** 3 percent during the same time period – 336 in FY02 to 327 in FY07. While ISP has notified the Governor's Office of backlog and staffing needs, the Governor's Office has not allowed ISP to replace lost **headcount**. Failure to maintain necessary staffing levels results in cases remaining unsolved and serial criminals could remain free to commit additional crimes.

ISP's inability to fill lost forensic positions has resulted in staff performing work outside of their official duties. Forensic scientists working outside their position descriptions have negatively impacted the ability of ISP to meet its 30-day case processing goal. Time spent away from analytical work lengthens the processing time for case analysis. We found:

- Systemwide, the ISP labs met the turnaround of 30 days in 62.4 percent of the 115,956 cases processed during calendar year 2007.
- Three ISP labs processed **less than 15 percent** of their cases within the 30-day time frame. The Rockford lab only met the 30-day goal for 8.3 percent of all its cases during calendar year 2007. Metro-East and Joliet were able to meet the 30-day goal 11.1 percent and 14.1 percent of the time respectively. It took the Joliet lab an average of over 182 days to process 2,271 of the cases it worked during 2007.

Quality Assurance Program and Case Backlog

During FY07, ISP's forensic science lab system held two major accreditation certificates, one from the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) and another, the International Organization for Standardization (ISO), conducted by Forensic Quality Services (FQS-I). ISP first received its ASCLD/LAB accreditation in 1982; the FQS-I ISO accreditation was received in 2005. In June 2007, ISP allowed the ASCLD/LAB accreditation to lapse, keeping the FQS-I ISO accreditation.

FQS-I and ASCLD/LAB's accreditations are similar, but vary in implementation. The accreditation process generally **consists of an initial site visit** by a team of scientists associated with the respective accrediting organization, interim site visits, and self-reporting on the part of the labs. For example, FQS-I's accreditation cycle for ISP is four years with a comprehensive site visit after two years, whereas ASCLD/LAB's accreditation cycle is for a period of five years with annual site visits that sample aspects of the lab's management system.

ISP's Forensic Sciences Command (FSC) has established an **extensive** quality assurance program, which includes:

- Adoption of professional standards and guidelines, as well as issuing Command Directives and manuals.
- Assessing compliance through both internal reviews and external assessments.
- Monitoring service to assure quality and providing corrective action for quality concerns identified.
- Performing various types of internal and external proficiency testing, case file reviews, case reanalysis, and other procedures.

The Quality Assurance procedures can result in “**Minor Issues**” (issues which would not deter or have any effect on the adjudication process) or “**Issues Affecting Cases**” (issues which would effect adjudication). During 2007, 185 Minor Issues were reported in the various disciplines through the Quality Assurance program. This is a **decrease** from 220 in 2005 and 204 in 2006. These Minor Issues can be as innocuous as misspellings and pagination issues to dates of analysis being incorrect. Other Minor Issues include: improper cross outs, evidence description being different than evidence, and missing information from reports.

Twenty-three issues **that could affect** the adjudication of the evidence analyzed were found during the Quality Assurance testing in 2007. This is an increase from 9 in 2005 and 13 in 2006. These issues included failure to identify certain fluids to results changed from inconclusive to identification. However, to the Division of Forensic Service’s (DFS) credit, more quality assurance cases have been initiated to respond to quality issues. DFS initiated 46 in FY05, 71 in FY06, and 94 in FY07.

To determine whether ISP is resolving quality concerns that arise, we sampled 45 of the 211 Quality Issue Reports (QIRs) opened during FY05-FY07. A QIR Form is utilized to follow the progress of remedial/corrective action taken to resolve a quality issue, and serves as a record of the actions taken. If the QIR case was substantiated, we tested to ensure that actions taken were appropriate to remedy the issue. Of the 45 QIR cases we sampled, 34 were substantiated, all of which were followed up on and had an appropriate disposition.

We did note that ISP is **not conducting site visits as required** by ISP’s Quality Manual and QA Program. Quality Review Coordinators conducted **only two** site visits in the last three years. The Quality Manual requires site visits to all the labs **at least once** during a Quality Review Coordinator’s term, which is two or three years depending on discipline.

Case backlogs within the ISP forensic labs have **grown significantly** during the audit period. The overall backlog for all sections within all labs has grown by 203 percent (not including backlogged cases which are outsourced), while total case submissions have only grown by 10 percent. A case is considered backlogged if it is not worked within 30 days of receipt. The longer cases remain unanalyzed, the longer the perpetrators go unidentified, free to commit additional crime.

ISP has **underreported backlogged DNA cases** in its Accountability Report provided to the Governor and General Assembly. The backlogged DNA statistics in the Accountability Report, required by 730 ILCS 5/5-4-3a, do not match internal ISP documents **and** did not include cases which ISP has outsourced to private vendors. The most significant difference reported was for FY05. The DNA Accountability Report notes a **backlog of “0,”** as does an ISP weekly report to the Governor’s Office. On July 13, 2005, the Governor sent a letter to lab user agencies **announcing the elimination** of the backlog for DNA cases. However, ISP’s backlog statistics showed a backlog of **170 DNA** cases for the same time period. ISP officials attributed the discrepancies to an inability for the management reporting system to provide actual backlog numbers until 2006; therefore, the backlog numbers previously reported for FY04-FY06 in the DNA Accountability Reports were **estimates**, according to ISP officials.

In addition, when ISP outsourced a DNA case to a vendor, **ISP took that case out of its backlog statistics.** For example, after reporting a backlog of “0” at June 30, 2005, a July 2005 weekly report to the Governor’s Office notes that 126 DNA cases were outsourced in June 2005. According to ISP officials, these 126 DNA cases would **neither** be counted in the 0 cases reported in the Accountability Report nor in ISP’s 170 cases reported in the backlog statistics report. Likewise, any other DNA cases that had been outsourced and were older than 30 days (as well as any forensic biology cases that became DNA cases) would also not be included in any of ISP’s backlog numbers. Providing inaccurate and misleading information in reports inhibits the ability of the General Assembly to recognize the true needs of the ISP labs.

The FY08 DNA Accountability Report released August 1, 2008, was the first report to include data on the number of backlog cases at vendor labs. This increased the backlog figure by 36 percent – from 844 (backlog cases in-house) to 1,149 (backlog cases in-house and outsourced). This new reporting mechanism was instituted after this issue was raised by auditors.

From January through June 2007, the Rockford lab implemented an unconventional method for processing forensic biology/DNA cases which resulted in the misstatement of the true DNA backlog, in violation of the Unified Code of Corrections (730 ILCS 5/5-4-3(a)(1)). According to the lab director, Forensic Services Command (Command) knew of the use of this unconventional method, condoned the practice, and never told the lab to discontinue its use.

At the Rockford lab:

- The lab director implemented a process, in January 2007, whereby the one full-time scientist that analyzed biology cases was instructed to only work biology cases until 15-20 were ready to be transferred for DNA testing. After that level (15-20) was reached, the scientist would not work any other biology cases so as to not increase the workload in DNA, thus increasing the backlog of DNA cases. The analyst was assigned other duties to help the DNA processing such as proofing reports. The lab director reported that this strategy was communicated to the bureau manager, within Command, in charge of the Rockford lab.
- The end result of this unconventional processing method was that the DNA backlog would be understated and the biology backlog would become inflated. It needs to be noted that during FY07 only the DNA backlog, and not the biology backlog figures, were reported to the General Assembly in the DNA Accountability Reports.
- Our review of ISP backlog figures at the Rockford lab for the period FY06-FY07 showed a 211 percent increase (from 55 to 171 cases) in biology with a corresponding 51 percent decrease (from 169 to 83) in DNA backlog figures.

To obtain users’ perspectives on the performance of the ISP’s forensic labs, we surveyed local police departments, county sheriff’s offices, state’s attorneys, and public defenders located throughout the State. The following summarizes the major conclusions from their responses:

- **Timeliness:** Overall, 51 percent of the users surveyed indicated that they were satisfied or very satisfied with forensic results related to timeliness. Conversely, 26 percent responded that they were dissatisfied or very dissatisfied. Seventy-one percent cited timeliness problems with biology/DNA cases; 35 percent cited

- timeliness problems with latent print cases. When a “rush” analysis was requested, only 19 percent responded that the State lab was unable to meet that request.
- **Impact of Timeliness on Cases:** Nearly half, **46 percent**, responded that problems with timeliness **negatively impacted** a case in the past five years. Many respondents indicated that the delays in receiving results hindered the prosecution of cases including not filing cases, dismissing cases, cases being delayed, and losing cases. Delays have also affected law enforcement’s ability to arrest suspects or keep suspects in custody, and have caused individuals to remain suspects longer than necessary.
 - **Adequacy or Accuracy of Results:** User agencies provided positive ratings of the accuracy of ISP forensic analyses. Overall, **86 percent** of respondents indicated that they were satisfied or very satisfied with the adequacy/accuracy of results while only 4 percent were dissatisfied or very dissatisfied.
 - **Sufficiency of ISP Standards and Procedures:** We asked if, in the last five years, agencies had issues during a court case with the sufficiency of ISP standards and procedures. An example of this would be challenges to the standards and procedures in court. **Ten percent** (5 of 49) of the respondents identified an issue.

Investigations of Forensic Results

The Paul Coverdell Forensic Improvement Grants Program requires a certification that a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of forensic results. In the proposal for FY07 Coverdell funding, ISP listed **two entities** to meet the independent external investigation requirement: the ISP Division of Internal Investigation (DII) and the Illinois Office of the Executive Inspector General (OEIG).

DII provided a list of 56 investigations conducted during fiscal years 2005 – 2008 (through April 2008) that involved the Division of Forensic Services. In addition, OEIG provided two reports that involved the Division of Forensic Services. However, although investigations involving the Division of Forensic Services were conducted, **neither investigating entity designated as such by ISP under the Coverdell Program was aware of the Coverdell requirements.** In addition, because DII is part of ISP and because many cases are referred back to the Division of Forensic Services for investigation, it is questionable whether these investigations meet the independent external criteria.

The Division of Forensic Services **could not provide** a list of investigations that met the Coverdell criteria. We reviewed 17 DII investigations conducted during fiscal years 2005 – 2008 that were most likely to meet the Coverdell criteria. Of the 17 DII investigations we reviewed, five involved errors that impacted forensic results. In all five cases, the allegations against the forensic scientist **were sustained.** Where necessary, agencies were notified of the errors through the issuance of amended reports.

Internally, ISP utilizes the Quality Issue Report (QIR) form to assure remedial/corrective action is taken to resolve quality issues. If the review was initiated due to external questions, the agency is to be notified of the results of the review. However, the QIR form does not specifically address whether the agencies were notified of the results of the review at the

review's conclusion. One of nineteen QIR cases reviewed did not indicate that the external agency was contacted with the results.

Regional Advisory Board meetings, one of the processes in place to receive feedback regarding quality concerns, **were not being held annually** at two of the eight operational labs as required.

We asked users of the State labs that if they have had problems with lab results, did the State lab first contact them to discuss these problems or did they contact the State lab to discuss these problems. Responders indicated that both situations occurred. Comments were generally positive regarding results when resolving an issue. However, when asked if the State labs have an established procedure to voice any concerns or issues regarding forensic services, 49 percent (24 of 49) of the respondents answered yes that there was a procedure with the remainder answering no or not sure if there was a process in place.

Outsourcing of Case Analysis

ISP officials outsource case analysis as part of the ISP's ongoing efforts to reduce the backlog. During the period 2000 through 2007, ISP **utilized seven outside vendors** to provide forensic services. Total State payments to these seven vendors were **over \$16 million**. Most of the contractual forensic services procured were related to forensic biology and DNA analysis.

ISP has established a Quality Assurance program which monitors the quality of analyses done by the contractual labs. Approximately three percent of outsourced forensic biology cases are reworked by ISP for quality assurance after being returned by the outside vendors. Additionally, ISP sends three percent of the total DNA outsourced cases as blind proficiency tests. In these blind proficiency tests, ISP has already worked up the DNA profile on the cases, has the vendors work up the cases, which the State pays for, and ISP then compares the results from the vendor to the known results of its own testing.

Most analyses conducted by contractual labs performing DNA analyses were not completed within the 75 day processing time requirement contained in their contracts with ISP. ISP contracts state, "*The Contract Laboratory shall complete analysis of each shipment of forensic casework samples **within 75 days of receipt**. If the Contract Laboratory cannot meet the delivery date(s) for the effort as specified in its proposal, it will be liable to the State to the sum of **\$1,500 per day** not to exceed a maximum of 200 days that such delivery is late unless sum is waived by ISP (emphasis added).*"

During the time period from FY02-FY07, we calculated the number of days it took contractual labs to complete their analyses. We added two additional days to the 75 day requirement to allow for shipping the forensic material to the lab, since ISP's database does not track when the contractual lab received the case from ISP, but rather only has the date sent. We found that from FY02-FY07:

- 16 percent of cases were returned within 77 days from the sent date;
- 53 percent of cases were returned between 78 and 85 days from the sent date;
- 8 percent of cases were returned between 86 and 100 days from the sent date; and
- 21 percent were returned over 100 days from the sent date.

Furthermore, ISP is **not utilizing enforcement provisions** contained in the contracts when time requirements are not met. When we questioned ISP officials regarding the enforcement of the penalty provisions in the contract, ISP responded: “No one contacted can recall who developed this language, when it was developed, or the original idea about how this penalty would be applied and calculated. It is possible it was developed/added by a former employee within the Division of Forensic Services. No documentation remains on this matter.” ISP officials stated that to their knowledge they have **never invoked a penalty**.

Forensic Sciences Command monitors whether or not the outsourcing vendors are returning the cases within the 75 day turnaround. According to ISP staff, weekly conference calls between Command and the vendor usually occurred, discussing the status of batches. An ISP official stated ISP sometimes gave approval of the vendor not meeting the 75 day return deadline and later provided examples of this approval.

We also identified **significant delays** between the time ISP received a case, to when it was outsourced to a contractual lab. From a sample of 141 cases, we found:

- The **median** number of days ISP took to send to the vendor for outsourcing was **79**, with a range of 2 days to 1,517 days.
- The **median** number of days from ISP receiving evidence on a case to receiving a report of the results from the vendor was **170**, ranging from 78 days to 1,597 days.

ISP officials noted that before a case can be sent out for analysis, some work must be done on it by ISP forensic scientists. However, the ISP management information system does not capture the number of days this preparation takes. The longer a case submitted by a user agency is at ISP and not being worked, the **less timely its value** in the criminal justice system.

Our review of the procurement process for five contracts ISP awarded for forensic services identified several areas of concern.

- A \$19,800 contract for Quality Assurance testing of DNA samples was awarded after receiving only **two** bids. ISP policy required **three** bids for small purchases. Furthermore, the procurement file contained no award notice or documentation showing which vendor was awarded the contract. According to the ISP Procurement Officer, since it was procured as a small purchase, an award notice is not required.
- A \$612,200 contract for training ISP forensic scientists was awarded by ISP as a sole source procurement. We questioned why these services were not competitively procured. An ISP official stated that this contract was determined to be a sole source procurement and procuring this competitively as a professional and artistic contract was **never discussed as an option**. The procurement file did not contain a justification of the sole source award. Furthermore, documentation showed that the ISP Commander of the Forensic Services Command, at the time, who was in charge of this procurement, had a relationship with the sole source vendor as the president of its Board of Directors. In a March 2004 email, an ISP procurement official stated **“By procuring this training as a sole source we will not be required to disclose any conflicts of interest (emphasis added).”** We identified at least one other potential vendor which had the capability to provide these services.

INTRODUCTION

On June 20, 2007, the Illinois House of Representatives adopted Resolution 451 (See Appendix A), which directs the Auditor General to conduct a management and program audit of the Department of State Police's (ISP) Division of Forensic Services. The Resolution directed the Auditor General to determine:

- whether the current funding of the ISP forensic labs is sufficient, and if not, what funding the General Assembly must appropriate to meet their needs;
- whether current staffing levels are sufficient;
- whether ISP's policies, procedures and protocols for operating its forensic labs are appropriate and conform to professional standards;
- the extent to which ISP has addressed past problems of testing backlogs;
- if ISP outsources any of its forensic lab testing, the process for selecting and monitoring those contractors;
- the adequacy of ISP's quality control processes, particularly with regard to ensuring the integrity of test results produced by or on behalf of ISP's forensic services division, including but not limited to the accreditation process;
- the process in place at ISP to respond to questions or concerns raised about the adequacy and/or accuracy of results produced by ISP forensic labs and forensic labs under contract with ISP;
- the party or parties responsible for conducting investigations of allegation against forensic scientists employed or contracted by ISP and whether those persons are independent of the subject or subjects of the investigation and whether those persons comply with requirements set forth in the Coverdell Forensic Science Improvement Grant Program;
- the process for conducting investigations and whether that process is adequate;
- the process for disclosing identified problems with the conduct of ISP's forensic labs or with the results reported by any of those labs to interested parties;
- the practice of contracting out forensic testing to private labs for pending cases in the criminal courts, and the reasoning for such practice;
- the name and address of each private lab contracted by the Illinois State Police for forensic testing for the years 2000 to the present; and
- whether any private forensic labs which are ASCLD or ISO accredited exist in Illinois.

ILLINOIS STATE POLICE

The Illinois State Police (ISP) was established January 1, 1970 and was reorganized by Executive Order in 1977 and again in 1993. ISP's responsibility is to maintain order as mandated by Illinois Compiled Statutes, while safeguarding the rights and privileges of all citizens of the State. To fulfill this responsibility ISP has been vested with various powers, rights and duties by State law.

ISP is organized into six major programs: Operations, Financial Fraud and Forgery, Forensic Services and Identification, Internal Investigation, Information & Technology

Command and Administration. The Division of Forensic Services acts as the primary scientific resource center for ISP and is the main focus of the audit directed by House Resolution 451.

Division of Forensic Services

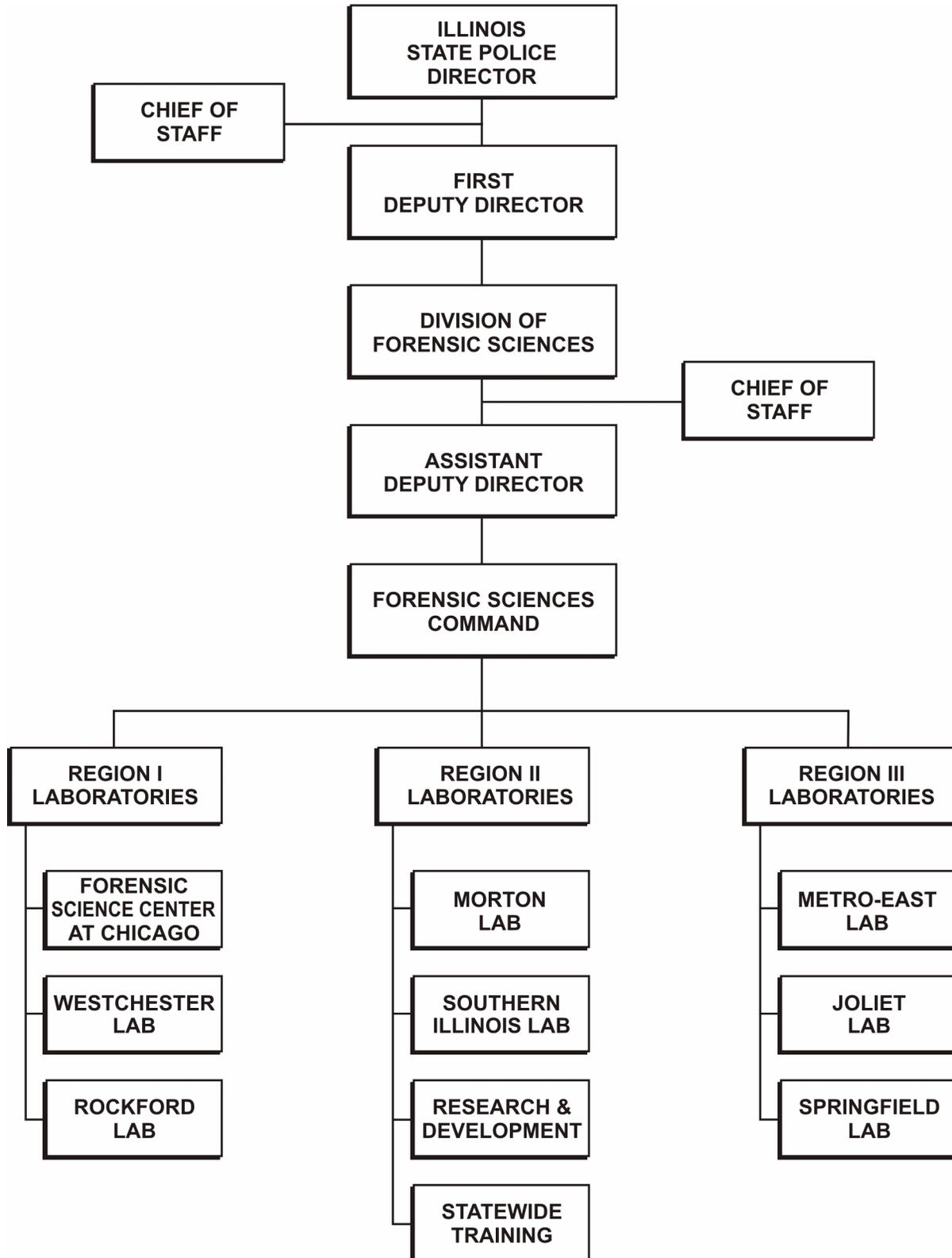
The Division of Forensic Services (DFS) provides expert evidence collection and state-of-the-art scientific evidence analysis to assist with the identification and prosecution of offenders, and exoneration, for the ISP and other State, federal and local law enforcement agencies. The Division also provides assistance to local law enforcement agencies through training, management, and consulting services.

State law (20 ILCS 2605/2605-40) outlines the functions DFS is to provide for the people of Illinois. The functions are:

- Exercise the rights, powers, and duties vested by law in ISP by the Criminal Identification Act.
- Provide assistance to local law enforcement agencies through training, management and consultant services.
- *Establish and operate a forensic science lab system, including a forensic toxicological lab 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.*
- *Subject to specific appropriations made for these purposes, establish and coordinate a system for providing accurate and expedited forensic science and other investigative and lab services to local law enforcement agencies and local State's Attorneys in aid of the investigation and trial of capital cases.*

DFS is broken up into two commands: the Forensic Sciences Command (FSC) and the Crime Scene Services Command (CSSC). According to ISP officials, 90-95 percent of the DFS budget is provided to FSC. Additionally, statutorily, DFS includes the Bureau of Identification and its major program – the Firearm Owner's Identification (FOID) program. The FSC breaks lab operations into three regions. Exhibit 1-1 shows the organizational breakdown for the administrative part of the FSC.

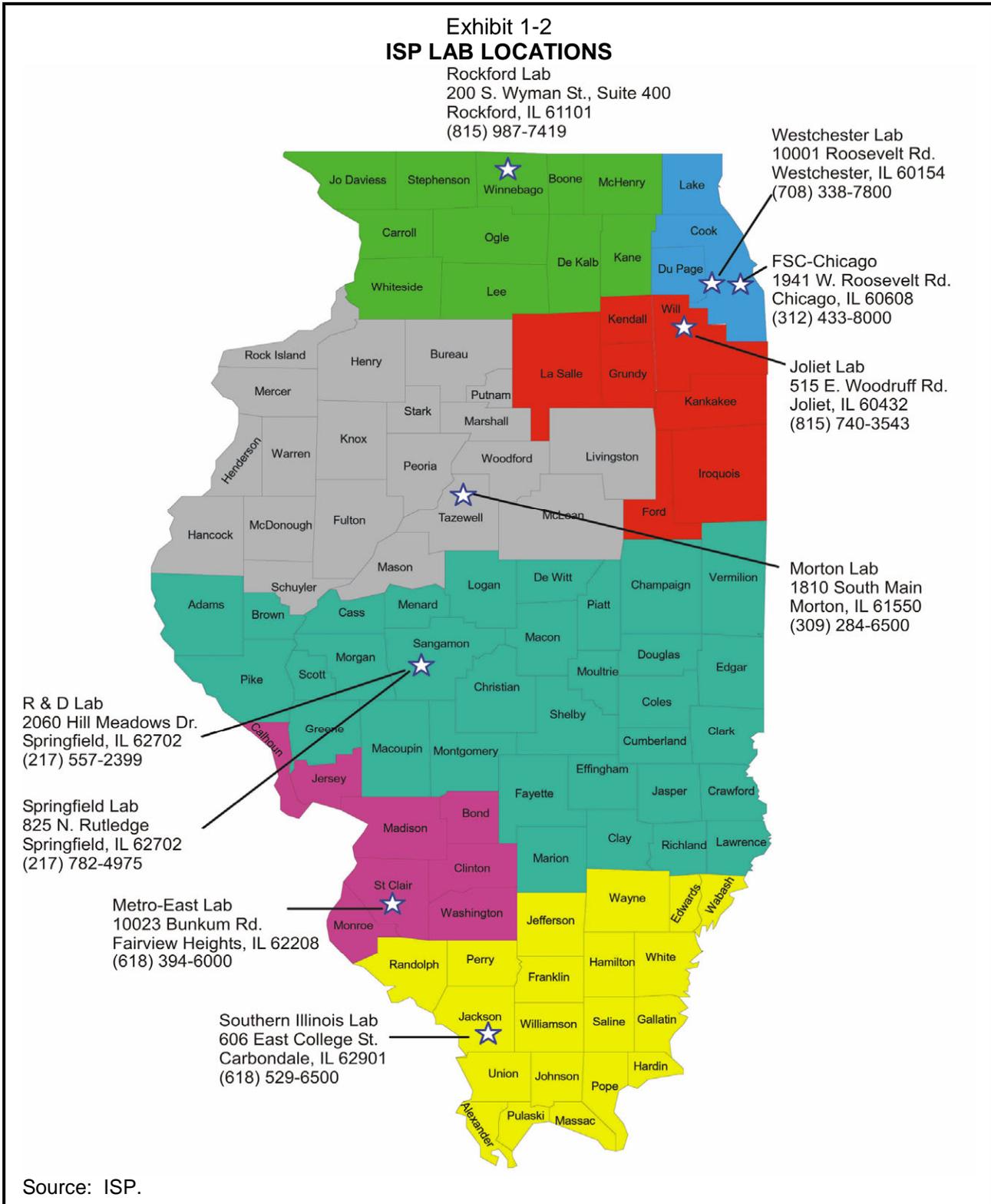
Exhibit 1-1
**FORENSIC SCIENCES COMMAND ORGANIZATION CHART
AS OF SEPTEMBER 2007**



Source: OAG developed from ISP information.

Forensic Lab Locations

Each operational lab serves a specific geographical location in the State and provides analysis of evidence from crimes committed in that region. Exhibit 1-2 provides the location for the nine ISP labs around the State with the counties that generally utilize each lab.



Evidence pertaining to crimes can be received by the operational lab from any criminal justice agency within that region. While this is the norm, lab officials indicated that sometimes there are submissions to labs outside the designated region.

Forensic Lab System

Nine forensic science labs statewide provide an array of specialty forensic services. Scientists can provide investigators with literally hundreds of leads through DNA identification and examination of hair, fibers and fluids – nearly anything collected at a crime scene. Exhibit 1-3 lists the services provided by the ISP labs.

Exhibit 1-3 SERVICES OFFERED THROUGH ISP LAB SYSTEM		
<ul style="list-style-type: none"> • Alcohol Analysis • Building Material Analysis • Documents Examination • Explosive Residue Analysis • Firearms Analysis • Gunshot Residue Analysis • ID of Dead-Fingerprints • Intoxicating Compounds ID • Marijuana ID • Physical Matches • Rubber Comparisons • Seminal Stains ID (DNA) • Tire Track Comparison • Urine ID 	<ul style="list-style-type: none"> • Arson Residue Analysis • Chemical Analysis • Drug Identification • Fabric Impression Comp. • Footwear Comparison • Hair Identification Analysis • Image Enhancement • Latent Fingerprint Analysis • Paint Comparison • Plastic Comparison • Safe Insulation Comp. • Serial Number Restoration • Tool Mark Comparison • Wood ID and Comparison 	<ul style="list-style-type: none"> • Blood Analysis (ID, DNA) • Cosmetics Comparison • DUI Testing • Fibers ID & Comparison • Glass Comparison • Headlamp Filament Exam. • Ink Comparison • Lock Picking Examination • Photography • Polygraph Examinations • Saliva ID (DNA) • Soil Comparison • Toxicological Analysis
Source: ISP Directive SRV-005 (revised November 15, 2004).		

Some examinations are not performed by the ISP labs. These services include: animal poisoning examination; bomb disposal; forensic dentistry; skeletal and tissue examinations; vegetation identification and comparison; voice-print examination; and paternity determination. The labs can provide direction to agencies that can offer those services.

ISP maintains eight operational forensic science labs and a Research and Development (R&D) lab. The labs receive physical evidence from user agencies and conduct the appropriate scientific and polygraph examinations. A Statewide Training Program, under the guidance of a Director of Training provides training for command employees. Training is generally provided at the labs in Chicago, Springfield and Carbondale.

The mission of the R&D lab in Springfield is to enhance current scientific techniques, develop new analytical procedures and research specialized projects. Polygraph testing facilities are located in each lab except for Chicago. Additionally, satellite polygraph testing sites are also maintained in East Moline and Champaign. Polygraph services are part of CSSC. However, prior to 2006, polygraph was within the FSC.

The ISP labs are various sizes and are designed to serve a specific population. While ISP leases 6 of 9 labs, there are plans to convert some to State-owned facilities. The State has

purchased land in Belleville and intends to build a facility and move the Metro-East lab from Fairview Heights to Belleville. Part of the Springfield lab moved into other space that is owned by Southern Illinois University (SIU) in Springfield in 2008. Exhibit 1-4 summarizes the characteristics of the ISP labs.

Exhibit 1-4 LAB CHARACTERISTICS				
Lab	Population Service Area	Square Footage	Location Occupancy	Owned or Leased
Westchester	5.0 million	13,000	1994	Leased
Chicago	2.9 million	85,000	1996	Owned
Rockford	1.0 million	20,000	1989	Owned
Morton	1.1 million	13,000	1979	Leased
Joliet	2.5 million	22,000	1965	Owned
Springfield	1.5 million	36,000	1991	Both
Metro-East	675,000	15,000	1985	Leased
Southern Illinois	500,000	24,000	1985	Leased
Springfield R&D	Statewide	7,000	1994	Leased

Source: Forensic Sciences Command Annual Reports 2004-2007.

Services Provided by ISP Labs

Operational labs have various sections that are responsible for conducting specific types of analysis. The number of sections per lab varies and is dependent upon case load submission. The sections are described below:

- **Drug Chemistry.** Scientists in this section: (1) are involved in the chemical, microscopic and instrumental analyses of suspected controlled substances; and (2) perform quantitative and qualitative analyses utilizing techniques such as colorimetric tests, thin-layer chromatography, gas chromatography, infrared and ultraviolet spectrophotometry, and mass spectrometry.
- **Latent Prints.** Scientists in this section: (1) conduct comparisons of fingerprint, palm print, footprint, tire print, fabric and shoe impressions; and (2) use laser technology, computer techniques, and special photographic techniques, as well as the more familiar chemical and dusting techniques in their analyses. The Automated Fingerprint Identification System (AFIS) is operational at seven State labs. The system can provide latent print searches for cases with no leads to a specific suspect, unknown deceased searches and identification services.
- **Forensic Biology/DNA.** Scientists in this section: (1) conduct examinations to identify and characterize physiological fluids and dried stains such as blood, semen, vaginal fluid, and saliva which might associate a person to a crime; and (2) determine not only the type of stain but also to express the frequency of a particular DNA profile occurring in the population. The Combined DNA Index System (CODIS) is utilized by the DNA labs to identify suspects and connect cases. Illinois is also connected to the FBI National DNA Index System (NDIS).
- **Toxicology.** Scientists in this section focus on determining the presence or absence of alcohol, drugs, and other chemicals in blood, urine and other body tissues and fluids. Techniques include simple chemical color tests to advanced equipment such

- as gas chromatograph-mass spectrometers to isolate, identify and quantify substances in the specimens. The Westchester and Springfield labs have the only toxicology sections in the ISP lab system.
- **Firearms and Toolmarks.** Scientists in this section: (1) microscopically examine evidence to determine if a specific bullet, cartridge case or firearm can be related to a particular crime; (2) perform examinations to establish the distance at which shots were fired and whether or not a gunpowder pattern is present on clothing and other surfaces; (3) restore serial numbers from all types of metal objects; and (4) perform toolmark examinations in an effort to determine if a relationship exists between a particular tool (pry bar, screwdriver, etc.) and the crime where the toolmark was found.
 - **Trace Chemistry.** Scientists in this section: (1) conduct in-depth chemical and microscopic analysis of trace amounts of evidence, such as paint and glass, which are transferred to or from another person, place or object; (2) utilize x-ray diffraction, x-ray fluorescence, gun shot residue, infrared and ultraviolet spectrophotometry, as well as traditional techniques used in chemistry; and (3) analyze evidence related to accident investigations, explosions, arson and all types of non-controlled substance related chemical examinations.
 - **Microscopy.** Scientists in this section conduct microscopic examinations of various particles such as hair, fiber, wood, soil, building material, and insulation. In more complex cases the forensic scientist will use a scanning electron microscope.
 - **Footwear/Tire Tracks.** Scientists in this section analyze impression evidence. These impressions may be found in or on many different types of material, such as hard flooring, paper, dirt, mud, dust, blood, etc. Vehicles also leave impressions at or near the crime scene. In many instances, footwear impressions can be positively identified as having been made by a specific shoe to the exclusion of all other shoes. This identification is based on the correlation of the random individual characteristics that the shoe or tire has acquired with those respective features in the impression. The identification is as strong as that of fingerprints and toolmarks.
 - **Questioned Documents.** Scientists in this section conduct analyses in the areas of handwriting, hand printing, typewriting, checkwriter, printed materials, adhesives, inks, rubber stamp impressions, paper alterations, eradications, obliterations, tampering, charred documents, photocopy processes, counterfeits, indented writing, lottery tickets and miscellaneous items such as Vehicle Identification Number tags, staple holes and physical matches.

Not all labs have all of the sections described above. If evidence comes into a lab that doesn't offer such service, the ISP staff will forward the evidence to a lab that does have such service. Exhibit 1-5 lists the sections/analyses each lab offers.

**Exhibit 1-5
ANALYSES PROVIDED BY LAB**

Lab	Section/Analysis								
	Biology/DNA	Drug Chemistry	Firearms/Toolmarks	Footwear/Tire Track	Latent Prints	Microscopy	Questioned Documents	Toxicology	Trace Chemistry
Springfield	✓	✓	✓	✓	✓		✓	✓	✓
Chicago	✓	✓	✓	✓	✓	✓			✓
Southern Illinois	✓	✓		✓	✓	✓			
Metro-East	✓	✓	✓	✓	✓				✓
Joliet	✓	✓	✓	✓	✓		✓		✓
Rockford	✓	✓	✓	✓	✓				
Morton	✓	✓	✓		✓				
Westchester		✓						✓	
R&D Springfield	✓	✓							

Source: OAG summary from ISP documentation.

During FY07, almost 122,000 cases, both original and supplemental, were submitted to the ISP labs. Drug chemistry cases comprised over 70 percent of the cases submitted to ISP. While federal funds are available to process the biology/DNA backlog, biology/DNA cases represented approximately eight percent of the ISP caseload during FY07. Exhibit 1-6 breaks down the cases by analysis/section. Appendix C presents an analysis/breakdown of the cases submitted by type/by lab for the period FY02-FY07.

Lab Conditions

Several ISP labs experience a number of environmental factors which could adversely impact the analysis of evidence. While ISP is addressing some of the deficiencies, it does not have a comprehensive plan to address all the issues.

During the audit we toured all nine ISP lab sites and spoke with lab directors regarding the condition of the labs. Lab directors reported a number of facility issues including mold, asbestos, lack of drinking water, and space constraints. Specifically, we found:

**Exhibit 1-6
CASES SUBMITTED TO ISP LABS
FY07**

Section	Cases Submitted	% of Total
Drug Chemistry	85,519	70.14%
Latent Prints	11,031	9.05%
Biology/DNA	9,305	7.63%
Toxicology	6,762	5.55%
Firearms/Toolmarks	6,367	5.22%
Trace Chemistry	1,968	1.61%
Microscopy	498	.41%
Footwear/Tire Tracks	304	.25%
Questioned Documents	180	.15%
Total	121,934	100.00%

Source: OAG summary of ISP documentation.

- **Joliet Lab.** Asbestos is present in old floor tiles and the tiles used to cover these tiles are now breaking. The building, which is State-owned, is in need of a new roof and tuck pointing. The water supply comes from an adjacent prison (Joliet Correctional Center); however, the pipes are rusty making the water unsafe for drinking or using in the eye wash stations. Lab employees have built evidence storage areas in stairwells because of the lack of space.
- **Southern Illinois Lab.** The leased facility has a mold problem. The heating, ventilating and air conditioning (HVAC) system needs to be updated in order to bring the firearms section back to the lab. The section was shut down because lead from the firearms was being circulated throughout the building via the HVAC system. According to ISP, the mold problem has been abated but is being monitored. ISP also reported that the most recent Department of Labor review indicated no problem with re-growth. A copy of this report was not provided to auditors.
- **Springfield Lab.** The leased facility has ventilation and negative air pressure problems. The lab has a mold problem caused by leaks in the ceiling in several areas of the lab. ISP has been battling the mold issue since 2005. Additionally, the lab has had live bats found within the building. ISP was cited in 2005 by the Department of Labor for poor health conditions in the lab. The current buildings were not built to be labs – they were retrofitted when ISP moved in. ISP officials blame this retrofitting for several facility deficiencies. ISP has plans to move to a new facility at SIU. The operations and staff moved from the 2040 Hill Meadows facility to the SIU School of Medicine Combined Lab Facility in June 2008.
- **Westchester Lab.** According to ISP, because of the inadequate design of the current HVAC system, there is no heat in the chemistry work area of the lab, which is leased.
- **Metro-East Lab.** According to lab personnel, the major problem with the leased lab is a lack of space. ISP has purchased land in Belleville to construct a new lab. Additionally, ISP indicated that architectural plans have been developed but no further action can be taken until additional capital funds are appropriated for this project.
- **Springfield R&D Lab.** Lab has problems with the HVAC and water leaks. Additionally, the lab has had live bats found within the building. ISP instructed its landlord to remedy the situation and eventually 33 bats were captured in mid 2005 at both Springfield sites.

ISP officials told auditors that Capital Development Board (CDB), Central Management Services (CMS), and ISP Logistics are working on a recommendation and obtaining funding for Joliet. Further, officials stated that new buildings for Joliet and Carbondale are on the ISP Capital Project List. However, ISP has to find money in its own budget for interim fixes, such as restoration crews to clean up mold in Southern Illinois and Springfield. For new buildings, ISP would need money from CDB.

An official with ISP's current accrediting body (FQS-I) reported that poor environmental conditions can affect accreditation. If the environmental conditions affect the quality of testing or compromise the quality of the evidence, then a lab's accreditation can be affected. For example, a water leak dripping on the evidence or an uncontrolled temperature that could affect

machinery and testing would be considered an environmental issue. According to ISP, no such conditions have yet affected ISP’s accreditation.

HVAC problems which allow temperature and humidity levels to rise could threaten work productivity in the labs. The instruments used for analyses in the labs are temperature and humidity sensitive.

LAB CONDITIONS	
RECOMMENDATION NUMBER 1	<i>The Illinois State Police should develop a comprehensive plan to address the environmental issues at its forensic labs.</i>
ILLINOIS STATE POLICE RESPONSE	The health and safety of ISP employees is paramount and ISP does everything possible to address identified health/safety issues in a timely manner. Fortunately, to date, none of the listed facility issues have impacted the ISO accreditation status of any of the laboratories. To ensure this does not happen, ISP will continue to take necessary interim measures while long-term solutions are developed. Traditionally, ISP has developed an agency-wide plan incorporating the major facility needs of all divisions. Requests have been made to the Capital Development Board (CDB) for new facilities to replace the Joliet, Southern Illinois Forensic Science Centre (Carbondale), and the Springfield Research & Development laboratories, but insufficient funds exist. CDB recently identified funds to address the Joliet roof issue. ISP concurs with this recommendation and will pursue development of a consolidated plan.

AUDIT SCOPE AND METHODOLOGY

This audit was conducted in accordance with generally accepted government auditing standards and the audit standards promulgated by the Office of the Auditor General at 74 Ill. Adm. Code 420.310.

The audit objectives for this audit were those as delineated in House Resolution 451 (see Appendix A), which directed the Auditor General to conduct a management and program audit of the Department of State Police’s (ISP) Division of Forensic Services. The audit objectives are listed in the Introduction section of Chapter One. The majority of fieldwork for the audit was completed between February and May 2008.

In conducting the audit, we reviewed applicable State laws and administrative rules pertaining to the operation of the forensic labs by ISP. We reviewed compliance with those laws and rules to the extent necessary to meet the audit’s objectives. Any instances of non-compliance we identified or noted are included in this report.

We also reviewed management controls and assessed risk relating to the audit’s objectives. A risk assessment was conducted to identify areas that needed closer examination. Any significant weaknesses in those controls are included in this report.

During the audit, we met with ISP staff from the Division of Forensic Services, Division of Internal Investigations, and the Division of Administration. We interviewed the two bodies that have accredited ISP labs: the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) and Forensic Quality Services-International (FQS-I). We also examined documentation on federal grants for forensic services at the Illinois Criminal Justice Information Authority.

We surveyed a sample of 50 user agencies that utilize ISP lab services, including public defenders, state's attorneys and local police departments. Only the Peoria County Public Defender did not respond to our survey. Additionally, we surveyed comparable forensic labs in 13 other states and the FBI lab in Washington to compare to ISP forensic labs. Unfortunately, two publicly funded labs in Illinois, the DuPage County Sheriff's Crime Lab and the Northeastern Illinois Regional Crime Lab made the decision to not participate in our survey. Additionally, the Pennsylvania State Police Department Headquarters, Bureau of Forensic Services did not respond to our survey.

We sampled 80 personnel files from the 290 forensic scientists listed on the Division of Forensic Services employee roster dated May 30, 2007, to test qualifications. A subset of the personnel sample was then combined with a number of management personnel to conduct Statement on Auditing Standards (SAS) 99 fraud interviews with a total of 30 employees of the Division of Forensic Services.

We sampled 45 quality assurance cases opened during FY05-07 to test the accuracy of quality assurance data reported in ISP annual reports. We sampled 151 outsourced cases to calculate the amount of time it took ISP to get samples to an outsourcing vendor for processing. We sampled 25 cases to ensure the data in the Computer Assisted Lab Management System (CALMS) matched the case file. The Information Systems (IS) Audits Division within the Office of the Auditor General has reviewed the CALMS system previously in its IS testing at ISP.

Specific information on all the sampling conducted during the audit is contained in Appendix B of the report.

REPORT ORGANIZATION

The remainder of this report is organized into the following chapters:

- **Chapter Two** examines and reports on issues regarding the sufficiency of funding for the ISP forensic labs; including funding levels and headcount.
- **Chapter Three** examines and reports on issues regarding program adequacy surrounding the ISP forensic labs; including the quality assurance program and backlog of forensic cases.
- **Chapter Four** examines and reports on issues surrounding ISP investigations of activities of the forensic lab system.

- **Chapter Five** examines outsourcing issues for forensic services and reports on other accredited labs in Illinois.
- **Appendices** presenting House Resolution 451, our Audit Methodology, Cases Submitted by Type and Lab, Top 100 Users by Section, Backlogged Cases by Lab and Type, and Agency Responses are provided at the end of the report.

Chapter Two

SUFFICIENCY OF FUNDING

CHAPTER CONCLUSIONS

Between FY02 and FY07, ISP received \$387 million from State and federal sources to operate its forensic lab system. Funding from the General Revenue Fund and various fee funds accounted for over 96 percent of ISP forensic funding. The General Assembly directly appropriated \$348.6 million in General Revenue Funds to the Division of Forensic Services (DFS) during the audit period. In addition, over \$15 million was appropriated to DFS from three major fee funds: the ISP Crime Lab Fund, the DUI Fund, and the DNA ID Fund. The remainder, \$22.9 million, came from other funds maintained by ISP or federal grants.

While the backlog of cases continues to increase and labs report lost headcount, DFS has **not utilized** all of the funding it received from the General Assembly. Our analysis of expenditure data from the Comptroller's Office shows DFS **lapsed \$19.3 million** between FY02 and FY07. Of the total \$19.3 million lapsed, \$15.5 million (80 percent) was lapsed during fiscal years 2002, 2003 and 2004. Almost half of the General Revenue Funding lapsed during this time period (\$7.7 million of \$15.6 million) was for staff-related salaries and benefits.

In addition, ISP **transferred** a significant amount of funding to other purposes that was originally appropriated for forensic lab operations. During the audit period, over **\$6 million** was transferred by ISP out of the forensic services area. While ISP does have appropriation transfer authority, underfunding the forensic services area can have a negative impact on the safety of the citizens of Illinois and the justice system.

We also determined that DFS routinely allowed grant funding to lapse. DFS received over \$14 million in federal grants during the audit period from a variety of sources, including the National Institute of Justice, Project Safe Neighborhoods, and funds set aside for the Paul Coverdell National Forensic Sciences Improvement Act. As of January 2008, ISP had allowed **\$1.3 million in 21 grants for forensic activities to lapse since 2002.**

Significant backlogs exist in all sections within the ISP's forensic lab system. ISP has **not completed a formal study** of the optimal staffing needed to operate its forensic labs at sufficient levels to maintain its case processing goals. As will be discussed in Chapter Three, the number of **backlogged cases at ISP labs has increased by over 200 percent** from FY02 to FY07 (3,426 cases to 10,387 cases). However, the number of forensic scientists, including trainees, has actually **declined** 3 percent during the same time period – 336 in FY02 to 327 in FY07. While ISP has notified the Governor's Office of backlog and staffing needs, the Governor's Office has not allowed ISP to replace lost **headcount**. Failure to maintain necessary staffing levels results in cases remaining unsolved and serial criminals could remain free to commit additional crimes.

ISP's inability to fill lost forensic positions has resulted in staff performing work outside of their official duties. Forensic scientists working outside their position descriptions have

negatively impacted the ability of ISP to meet its 30-day case processing goal. Time spent away from analytical work lengthens the processing time for case analysis. We found:

- Systemwide, the ISP labs met the turnaround of 30 days in 62.4 percent of the 115,956 cases processed during calendar year 2007.
- Three ISP labs processed **less than 15 percent** of their cases within the 30-day time frame. The Rockford lab only met the 30-day goal for 8.3 percent of all its cases during calendar year 2007. Metro-East and Joliet were able to meet the 30-day goal 11.1 percent and 14.1 percent of the time respectively. It took the Joliet lab an average of over 182 days to process 2,271 of the cases it worked during 2007.

INTRODUCTION

House Resolution 451 asked us to determine whether the current funding of ISP forensic labs is sufficient. We defined the audit period to examine these issues as fiscal years 2002-2007. The Division of Forensic Services (DFS) received funding for the forensic lab system through State and federal sources. We reviewed these funding sources and our summary of DFS funding is included in this chapter.

House Resolution 451 also asked us to determine if current staffing levels are sufficient. Our analysis of DFS staffing levels is included in this chapter.

FUNDING BACKGROUND

DFS received \$387 million in funding for the period FY02-FY07 for forensic lab activities. Funding was primarily received from State appropriations (\$373 million) with an additional \$14 million in federal grants. State funding made up more than 96 percent of total funding received by DFS during the audit period. Exhibit 2-1 shows the funding amounts from State and federal sources.

While ISP officials indicated that additional funding is needed for lab operations, ISP had **conducted no formal analysis** to determine what the funding level should be.

State Funding

The General Assembly appropriated \$364 million in State funds during the audit period **directly to DFS** for lab operations. State funding to DFS included General Revenue Fund (GRF) appropriations and three fee funds.

Exhibit 2-1 DFS FUNDING ANALYSIS FY02-FY07	
Source	Amount
<i>Direct Appropriation-DFS:</i>	
General Revenue Fund	\$348,639,262
DNA ID Fund	\$7,723,500
ISP Crime Lab Fund	\$3,800,000
DUI Fund	\$3,800,000
<i>Other Appropriations:</i>	
Road Fund	\$4,598,385
Asset Forfeiture Fund	\$2,200,000
General Revenue Fund	\$1,280,404
Whistleblower Fund	\$632,799
ISP Services Fund	\$75,000
<i>Federal Grants</i>	\$14,125,597
Total	\$386,874,947
Source: OAG summary of ISP information.	

According to staff, DFS also received and spent \$8.8 million in funds for forensic services (i.e., DNA outsourcing, training) that were **not directly appropriated to DFS**. These additional monies were from the Road Fund, ISP Services Fund, Asset Forfeiture Fund and GRF. Spending from these other funds was limited to FY02-FY04. ISP officials also provided information that monies from the Whistleblower Fund were used for outsourcing DNA cases during FY02-FY05.

General Revenue Appropriations

Most State money received by DFS during the audit period, \$349 million, was from GRF appropriations. Most GRF funding was utilized for traditional line item expenditures like personal services, travel and equipment. Additionally, DFS received GRF monies for some lump sum purposes, such as Combined DNA Indexing System (CODIS) administration and the processing of sexual assault evidence kits.

Fee Funds

The General Assembly appropriated over \$15 million in monies to DFS during the audit period from three major fee funds: the ISP Crime Lab Fund, the DUI Fund, and the DNA ID Fund. State law requires the collection of fees from certain cases when ISP conducts analysis through one of its forensic labs.

Lab directors reported that fee funds were originally to be used as supplementary monies, such as to purchase equipment. However, over the years the fee funds have evolved into being used to prop up their operational budgets at the labs. An analysis of these lump sum appropriations showed that DFS utilized the funds for a variety of purposes ranging from personal services payments for wages and benefits to supplies and equipment purchases.

ISP Crime Lab Fund

The ISP Crime Lab Fund was created by 730 ILCS 5/5-9-1.4 as a special fund in the State Treasury. A criminal lab analysis fee of \$100 for each offense is levied by the court for offenses in violation of the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Steroid Control Act. The fees are deposited into the ISP Crime Lab Fund if the analysis was performed by a lab operated by ISP. Funds used out of this fund are to be spent as designated by the Director of the State Police.

Exhibit 2-2 ISP CRIME LAB FUND BUDGET ANALYSIS FY02-FY07	
Budget Line	Amount
Equipment	\$1,405,886
Contractual Services	\$1,286,766
Commodities	\$654,978
Telecommunications	\$183,804
Travel	\$130,558
Personal Services	\$98,577
Governor's Reserve	\$39,000
Printing	\$431
Total	\$3,800,000
Source: OAG summary of ISP information.	

Permissible uses of funds from the State Crime Lab Fund include, but are not limited to:

- Costs incurred in providing analysis for controlled substances in connection with criminal investigations conducted within this State;
- Purchase and maintenance of equipment for use in performing analyses; and
- Continuing education, training, and professional development of forensic scientists regularly employed by these labs.

DFS was appropriated \$3.8 million during the audit period from the Crime Lab Fund. Nearly \$2.7 million of the total appropriation was budgeted to contractual services and the purchase of new equipment. Exhibit 2-2 shows how DFS budgeted the use of the funds from the ISP Crime Lab Fund.

DUI Fund

The DUI Fund was created by 730 ILCS 5/5-9-1.9 as a special fund in the State Treasury and is designed to collect a \$150 DUI analysis fee for each offense in violation of Section 11-501 of the Illinois Vehicle Code for which the offender was convicted and lab analysis was conducted. The fines are deposited into the DUI Fund if the analysis was performed by a lab operated by ISP. According to ISP officials, expenditure authority for the DUI Fund is divided into two parts (drug analysis and DUI penalty) based on the estimate of revenues expected to be collected for each part.

The uses of funds from the DUI Fund are designated by the Director of the ISP. Permissible uses of funds from the State Police DUI Fund include, but are not limited to:

- Costs incurred in providing analysis for DUI investigations conducted within this State;
- Purchase and maintenance of equipment for use in performing analyses; and
- Continuing education, training, and professional development of forensic scientists regularly employed by these labs (730 ILCS 5/5-9-1.9(g)).

According to appropriation bills, DFS was appropriated a total of \$3.8 million from the DUI Fund during the audit period FY02-FY07. The General Assembly appropriated these funds to DFS “*For Administration and Operation of State Crime Laboratories.*” DFS developed spending plans totaling \$675,000, leaving over \$3.1 million of **unbudgeted** funds. Exhibit 2-3 illustrates the difference between the money appropriated to DFS and the spending plans developed by DFS for use within the lab system.

During FY07, revenue estimates for the DUI Fund were \$75,000 for drug analysis and \$675,000 for DUI penalty. ISP utilized \$675,000 that was **appropriated to DFS** for operation of the State crime labs from the General Assembly **to purchase equipment for State troopers**, namely digital in-car video cameras for patrol vehicles. We noted that \$662,305 was spent from the DUI Fund during the lapse period - \$637,372 during the month of August.

While the purchase of equipment to assist in the prevention of alcohol related criminal violence throughout the State **is allowed** by statute (625 ILCS 5/11-501.01(f)), **all FY07 appropriations** from the DUI Fund were directed towards the operation of the forensic labs and no appropriations from the DUI Fund were made to the Division of State Troopers.

Exhibit 2-3 DUI FUND APPROPRIATIONS & SPENDING PLANS ANALYSIS FY02-FY07			
Fiscal Year	Appropriated to DFS	DFS Spending Plan	Difference
2002	\$550,000	\$150,000	\$400,000
2003	\$550,000	\$150,000	\$400,000
2004	\$550,000	\$100,000	\$450,000
2005	\$650,000	\$100,000	\$550,000
2006	\$750,000	\$100,000	\$650,000
2007	\$750,000	\$75,000	\$675,000
Total	\$3,800,000	\$675,000	\$3,125,000

Source: OAG summary of ISP information.

DNA ID Fund

The DNA ID Fund was created by 730 ILCS 5/5-4-3 as a special fund in the State Treasury to collect lab analysis fees from any person required to submit specimens of blood, saliva, or tissue to ISP. If the analysis fee of \$200 is not paid at the time of sentencing, the court establishes a fee schedule by which the entire amount of the analysis fee will be paid in full within 24 months from the time of conviction.

Monies from the DNA ID Fund are used by ISP crime labs as designated by the Director of ISP. Expenditures from the DNA ID Fund may include, but are not limited to the following:

- Costs incurred in providing analysis and genetic marker categorization;
- Costs incurred in maintaining genetic marker groupings;
- Costs incurred in the purchase and maintenance of equipment for use in performing analyses;
- Costs incurred in continuing research and development of new technologies for analysis and genetic marker categorization; and
- Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these labs.

Exhibit 2-4 DNA ID FUND BUDGET ANALYSIS FY02-FY07	
Budget Line	Amount
Contractual Services	\$3,306,643
Equipment	\$2,214,074
Commodities	\$1,466,520
Personal Services	\$568,268
Telecommunications	\$55,076
Governor's Reserve	\$68,000
Travel	\$45,488
Total	\$7,724,069

Source: OAG summary of ISP information.

The General Assembly appropriated a total of \$7.7 million from the DNA ID Fund during the audit period. Exhibit 2-4 shows how DFS budgeted these funds.

Remittance of Fees from Circuit Clerks

The fees associated with the Crime Lab Fund, DUI Fund, and the DNA ID Fund are collected by the Circuit Clerks and remitted to ISP. A **DFS official** indicated they were unaware whether ISP received all the fees due to the agency from the Circuit Clerks. Documentation sent **from ISP to the Governor’s Office** on January 19, 2006, stated that “in FY05 the ISP received only 15.2 percent of the expected fee revenues based on the number of DNA samples submitted during that time.” Meeting minutes from a 2004 lab advisory board meeting held at the Southern Illinois lab in Carbondale indicated that only 7 percent of the DNA fees were actually collected and forwarded to ISP by the Circuit Clerks.

We followed up with ISP’s Chief Fiscal Officer who reported that procedures to monitor receipts are in place but that there was no finite way to reconcile the receipts from fees. He said ISP essentially monitors changes in fees remitted over time. An **ISP official** from the Division of Forensic Services noted that the only way for ISP to know how much they should be getting would be to ask the Circuit Clerks for their records. The official stated they had requested this information from the Circuit Clerks before, but the Clerks would not give it to ISP. Failure to determine whether all fees have been collected and submitted to ISP puts more funding pressure on other sources.

There may be several reasons why a fee is not collected and remitted to ISP. In some cases, the judge may not assess the fee, the defendant may not have the resources to pay the fee, or the defendant may not be convicted of the offense.

In 1994, the Office of the Auditor General conducted a performance audit of monies collected by Circuit Clerks. The audit concluded that the amounts which should have been remitted to the State from the Circuit Clerks was not readily determinable and that State law did not require audits of Circuit Clerks to be conducted. Subsequent to the audit, legislation was enacted that required the Clerks to be audited annually. Audit guidelines were also established that required the auditors to periodically test to determine whether State fees were being collected and properly remitted to the State. Exceptions would be included as compliance findings in the audit reports. Copies of the audit reports are filed with the Administrative Office of the Illinois Courts and the Comptroller, as well as with the individual Circuit Clerks.

FEE FUNDING	
RECOMMENDATION NUMBER 2	<i>The Illinois State Police should take the steps necessary to determine whether all fines levied for cases where fees should be collected are actually submitted to the Department. Additionally, the Illinois State Police should seek specific appropriation language when the DUI Fund is needed for expenditures for divisions outside the Division of Forensic Services.</i>
ILLINOIS STATE POLICE RESPONSE	As a point of clarification, whenever fee funds are “appropriated,” ISP is actually given a “spending authority” for money collected. ISP is given

<p>Agency Response (continued)</p>	<p>the authority only to spend up to the amount “appropriated”; however, if sufficient fees are not collected and deposited in the fund, ISP can only spend the amount collected. At times over the course of a given fiscal year, there may be insufficient funds causing delays in ISP’s ability to purchase items until sufficient funding is collected.</p> <p>As noted in the report, ISP had previously attempted to determine whether all appropriate fines are actually submitted to the Department but was unsuccessful because no effective mechanism existed at that time. With the legislative changes requiring annual audits of Circuit Clerks, future efforts are expected to be more successful. ISP concurs with the recommendation to determine whether all appropriate fines are submitted to the Department and will be taking action to obtain that information from the Circuit Clerks. Recognizing the fact that Circuit Clerks can only be expected to forward the fines which are levied, ISP will continue to annually remind state’s attorneys and circuit clerks of the statutes authorizing such fines.</p> <div data-bbox="673 798 1315 1008" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><i>Auditor Comment #1</i></p> <p><i>The legislative change requiring annual audits of Circuit Clerks, which ISP states will be useful in its future efforts to ensure that fines are remitted to ISP, was enacted into law <u>10 years ago</u>.</i></p> </div> <p>ISP does not concur with the recommendation to seek specific appropriation language regarding the DUI Fund. Legislation allows for the department to expend money from the State Police DUI fund for both laboratory analyses and police equipment to prevent alcohol criminal violence, depending on the source of the revenue. This appropriation is for expenditure authority only, it is not cash, and comes in from two sources both resulting from DUI convictions. The legislation previously sent and discussed with the Auditor General staff is 730 ILCS 5/5-9-1.9, and 625 ILCS 5/11-501.01.</p> <div data-bbox="673 1375 1315 1717" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><i>Auditor Comment #2</i></p> <p><i>The audit <u>clearly states</u> that the purchase of equipment <u>is allowed</u> by statute. The audit also states that appropriations from the General Assembly for the DUI fund were made for the operation of the forensic labs. It is unclear why ISP would object to further delineating its appropriation, thereby increasing the transparency of the purposes for which its funds are to be used.</i></p> </div> <p>ISP notes a necessary correction to information in Exhibit 2-1 and the associated narrative within this OAG report. ISP had identified an error in the Road Fund figures which were provided to the OAG and are listed in Exhibit 2-1. The correct Road Fund figure of \$2.3 M was provided to</p>
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<p>Agency Response (continued)</p>	<p>the OAG subsequent to the exit conference, but was not corrected in the report.</p> <div style="border: 2px solid black; padding: 10px; margin: 10px 0;"> <p>Auditor Comment #3</p> <p><i>In information provided during the audit, ISP identified cost center 331 as the Road Fund. At the exit conference, ISP <u>stated</u> that they “incorrectly identified” this cost center for FY02; however, cost center 331 is also identified as Road Fund in FY03 in <u>documentation provided by ISP</u>. ISP stated that, “FSC [Forensic Sciences Command, i.e., ISP] personnel had correctly identified all FY03 & FY04 cost centers.” Because no new documentation was provided to support ISP’s suggested change and because ISP contends that the cost center 331 was correctly identified as the Road Fund in FY03, we could not verify or support the change suggested by ISP.</i></p> </div>
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Lapsed Funding

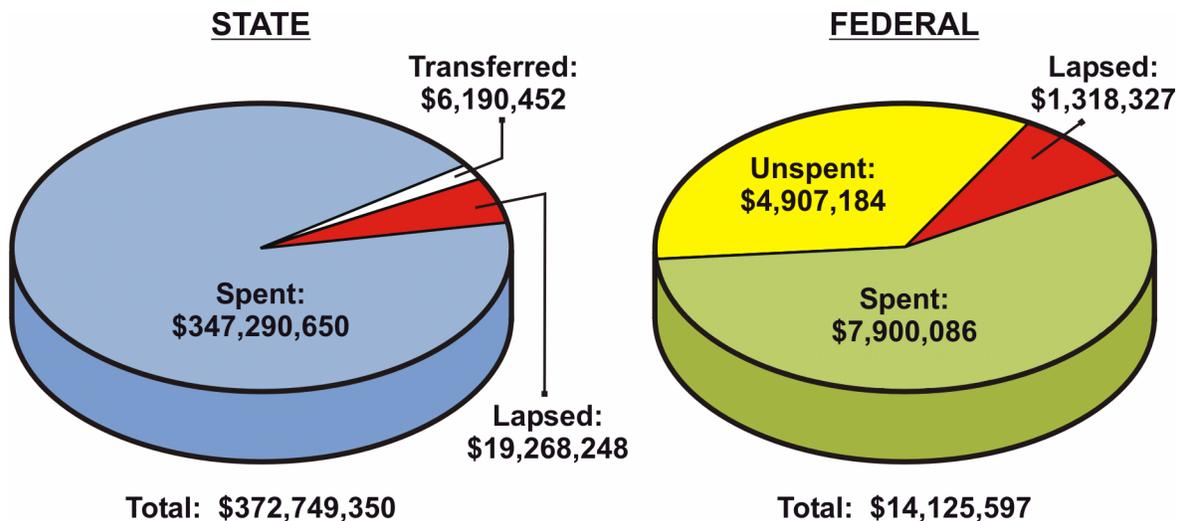
While ISP forensic labs report backlogs and lost headcount, DFS has not utilized all of the funding it received from the General Assembly. Our analysis of expenditure data from the Comptroller’s Office shows **DFS lapsed \$19.3 million** in State funds between FY02 and FY07. Of the total \$19.3 million lapsed, \$15.5 million (80 percent) was lapsed during fiscal years 2002, 2003 and 2004. Additionally, ISP allowed \$1.3 million of federal grants for forensic lab activities to lapse.

ISP officials agreed with the auditors that the DFS lapsed significant amounts of funding during fiscal years 2002-2004. Exhibit 2-5 shows a comparison of the total funding received by DFS between FY02 and FY07 and the amount of funding lapsed from appropriations and federal grants. Some grant funds were unspent because of significant delays with ISP expending the funds when they are received. Grant funding will be discussed later in this chapter.

ISP lapsed \$15.6 million in GRF monies for forensic services from FY02-FY07. Forty-nine percent of the GRF lapsed funds (\$7.7 million) were for staff-related costs for salaries and benefits. Fourteen percent of the lapsed GRF funds (\$2.2 million) were from contractual services appropriations. Lapsed GRF travel appropriations totaled \$293,000. The remaining \$5.5 million in lapsed GRF funds were for other line item appropriations.

ISP also lapsed monies from the State fee funds. During the period FY02-FY07, ISP lapsed: \$2 million from the DNA ID Fund, \$811,000 from the DUI Fund and \$780,000 from the State Crime Lab Fund.

Exhibit 2-5
FUNDING ANALYSIS FOR STATE AND FEDERAL FUNDS
 FY02-FY07



Note: Unspent funds are active grants which ISP could still expend.
 Source: OAG summary of ISP and Comptroller data.

Transfers

ISP transferred a significant amount of funding to other purposes that was originally appropriated for forensic lab operations. During the audit period, over \$6 million was transferred by ISP out of the forensic services area. While ISP does have appropriation transfer authority, underfunding the forensic services area can have a negative impact on the safety of the citizens of Illinois and the justice system.

The majority of funds transferred, \$6.19 million, were transferred outside of DFS. One transfer, in the amount of \$43,900, was transferred within DFS from personal services into employee retirement. Exhibit 2-6 provides a summary of the fund transfers from DFS during the period FY02-FY07.

Most of the transfers, \$4.3 million, were made to pay for vehicle expenses (repairs, oil, gas, financing, etc.). Other purposes for transfers included \$170,000 for legal services and settlements, \$316,100 for payroll obligations and employee retirement contributions and \$1,215,900 to fund the **CeaseFire Illinois anti-violence program** in FY04.

Exhibit 2-6 DFS FUNDING TRANSFER ANALYSIS FY02-FY07	
Transfer from DFS to:	Amount
Operations	\$5,714,319
Administration	\$408,134
Internal Investigations	\$46,800
Forensic Services	\$43,900
Fraud & Forgery Unit	\$19,200
Racetrack Investigations Unit	\$2,000
Total	\$6,234,353

Source: OAG summary of ISP information.

As discussed in Chapter Three, significant backlogs exist in all sections of forensic lab operations. The longer it takes cases to be analyzed, the greater the chances that criminals commit additional crimes on the citizens of Illinois. Transferring funds to other operational areas, in light of the case backlogs, does not allow DFS to accomplish its goals. Failure to utilize funding appropriated by the General Assembly for the purposes intended circumvents the intentions of the General Assembly.

LAPSED AND TRANSFERRED FUNDING	
RECOMMENDATION NUMBER 3	<i>The Illinois State Police should ensure that resources provided by the General Assembly are fully utilized for the mission of the Division of Forensic Services, including the reduction of case backlogs, rather than allowing this funding to transfer or lapse. Additionally, the Illinois State Police should take the steps necessary to determine the funding level needed to operate its lab system.</i>
ILLINOIS STATE POLICE RESPONSE	<p>The ISP does not concur with the first portion of this recommendation. The State Finance Act allows the department to transfer up to 2% of its allowable lines in total. In FY05, the transfer limit was increased up to 4%. This was deemed necessary and supported by the legislature, allowing departments flexibility in handling issues within their own budgets. The ISP should not have any of its transferability limited. The State Finance Act already establishes the limit. Each State Police appropriation is used to make Illinois safer for its citizens; this is not unique to Forensic Services. As the OAG report notes, the bulk of the transfers made during this audit period were made to address critical needs in the department’s vehicle expenses, also directly impacting the safety of our officers and the public.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>Auditor Comment #4</p> <p><i>The auditors understand, and do not take issue with, the ability of ISP to transfer funds pursuant to the State Finance Act. However, as directed by House Resolution Number 451, in their review of whether the current funding of the ISP forensic labs was sufficient, auditors noted ISP was transferring significant funds appropriated by the General Assembly for forensic services, to other functions despite the forensic labs growing backlog, shortage of scientists, etc. For example, twenty percent of the transferred funds, over \$1.2 million, which were appropriated for forensic services, were transferred and given to the CeaseFire Illinois program. Clearly, if there had not been a serious need for this funding for the forensic labs, the transfer of funds would not be an issue. However, given both the General Assembly’s concern regarding the adequacy of funding for the forensic labs and the growing backlogs, staff shortages, etc., the auditors concluded it was important to recommend that ISP</i></p> </div>

<p>Agency Response (continued)</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p><i>fully utilize the funding given to it by the General Assembly for its forensic labs.</i></p> </div> <p>Regarding the lapse of funds, agencies have been required by the Governor’s Office of Management and Budget (GOMB) to reserve funds and the expectation is for these funds to lapse. Additionally, GOMB is responsible for approving all hiring, promotions and transfers within the state, greatly impacting the lapse of personal services dollars. This audit report includes \$7.7 million of lapse in the personal services lines which is often not within the agency’s control.</p> <p>ISP is currently researching the best method to accomplish the type of cost analysis necessary to determine the funding level needed to operate its laboratory system.</p>
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GRANT FUNDING

ISP’s Division of Forensic Services received \$14,125,597 in grants during the audit period. DFS created budgets totaling \$14,056,771. ISP was not timely in executing and administering some grants. Additionally, as of January 16, 2008, ISP lapsed \$1.3 million in grant funding for grants that had been officially closed.

DFS received grants from a variety of federal sources, including the National Institute of Justice, Project Safe Neighborhoods, and funds set aside for the Paul Coverdell National Forensic Sciences Improvement Act. We reviewed all grants DFS was awarded between FY02 and FY07. During our review, we examined the budgets, goals and objectives, and the reporting requirements for each grant.

Uses of Grant Funding

We analyzed grant budgets submitted by DFS for federal grants during the audit period of FY02-FY07 to determine the purposes for which funds were to be used. Exhibit 2-7 provides an analysis of DFS grant budgets broken down by line-item categories.

DFS used grant funds for the purchase of new lab equipment, to upgrade outdated computer systems, and to fund efforts to reduce the statewide backlog for all sections. Documentation provided by ISP showed DFS budgeted 89 percent of

Exhibit 2-7 GRANT BUDGETS BY LINE ITEM USE FY02-FY07		
Budget Line	Amount	% of Total
Equipment	\$5,781,570	41.13%
Contractual	\$4,872,689	34.66%
Personnel	\$1,908,539	13.58%
Supplies	\$863,805	6.15%
Other Costs	\$525,300	3.74%
Travel	\$76,431	0.54%
Construction	\$26,550	0.19%
Commodities	\$1,887	0.01%
Total	\$14,056,771	100.00%
Source: OAG summary of ISP information.		

the grant funds (\$12.6 million of \$14.1 million) to equipment purchases, contractual services, and personal services. The following sections detail major purchases within these three budget categories.

Equipment

Grant funding allowed DFS to purchase new lab equipment and to upgrade computer systems throughout the lab. Examples of large equipment purchases include several thermal cyclers (used in DNA analysis), slot blot quantitation systems (which captures, stores and interprets results of DNA samples), water purification systems, and digital cameras to be used to document microscopic observations.

DFS also budgeted significant funding to upgrade computers systems throughout the lab system. For instance, the FY03 No Suspect Casework DNA Backlog Reduction Program Grant budget included \$711,700 for the purchase of 33 computers with data collection software, 35 computers for data analysis, GeneMapper software for 68 computers, and 2 automated workstations.

Contractual Services

DFS budgeted \$4.9 million in grant funds for contractual services which include outsourcing of cases, hiring of contractual evidence technicians and administrative assistants, remodeling at the Joliet and Chicago labs, installing hardware and software for DNA labs, and undergoing International Organization for Standardization (ISO) assessments for each lab within the ISP system.

Personal Services

All budgeted personal services money from grants was used to pay overtime and fringe benefits for scientists. According to grant budgets and narratives, allowing scientists to work overtime would result in more timely analysis of cases and a decrease in backlogs throughout the State. Scientists also worked overtime to perform quality assurance procedures on critical reagents and instrumentation.

Timeliness Issues

The Illinois Criminal Justice Information Authority (ICJIA) acts as a pass-through entity for some of the grant funding that DFS received, including money from the Paul Coverdell National Forensic Sciences Improvement Act. ISP entered into an interagency agreement with ICJIA which required DFS to submit quarterly progress and fiscal reports detailing financial expenditures for the previous quarter. According to the interagency agreement, the quarterly reports were due to ICJIA “by the 15th day of each month following the previous quarter.”

Documentation showed that DFS did not provide the ICJIA with timely quarterly expenditure reports. Exhibit 2-8 illustrates that DFS did not timely submit progress and fiscal reports to ICJIA for any quarter for the FFY05 Paul Coverdell National Forensic Sciences Improvement Act (Coverdell) money. The grant period for this FFY05 grant was December 1, 2006 – November 15, 2007.

Exhibit 2-8 REPORTING REQUIREMENT ANALYSIS FOR COVERDELL GRANT Federal Fiscal Year 2005			
Reporting Period	Due Date	Date Submitted	Days Late
12/1/06 – 12/31/06	1/15/07	2/21/07	37
1/1/07 – 3/31/07	4/15/07	4/29/07	14
4/1/07 – 6/30/07	7/15/07	7/20/07	5
7/1/07 – 9/30/07	10/15/07	10/21/07	6
10/1/07 – 11/15/07	12/15/07	12/29/07	14

Source: OAG summary of progress reports submitted to ICJIA.

Failure to Expend Entire Grant Awards

DFS routinely allowed grant funding to lapse. During the audit period, ISP lapsed \$1.3 million in grant monies received for forensic lab services. Twenty-one of twenty-three grants lapsed some amount ranging from under \$100 to \$568,000.

According to ICJIA officials, the DuPage County Sheriff's Crime Lab and the Northeastern Illinois Regional Crime Lab spend grant funding as soon as they receive the permission to do so. ISP, however, does not spend grant funding in a timely manner. For example, the FFY06 Coverdell funding cycle was to run August 1, 2007 through July 31, 2008. As of February 2008, **six months into the grant**, ISP had not spent any of the \$320,547 in federal funding.

ISP experienced similar problems for the FFY05 Coverdell funding cycle. According to quarterly expenditure reports submitted to ICJIA, DFS **did not spend any grant funds** during the first **four months** of the grant period. ISP attributed these delays to the lengthy procurement process in the State as well as lab personnel being busy with other issues.

The Interagency Agreement between ICJIA and ISP for this grant dictates that ISP notify ICJIA in writing if the program for which funds were provided is not operational within specific time frames (60 and 90 days). The Agreement also stipulates that "The Authority may at its discretion either cancel this agreement or extend the implementation date of the program past the 90-day period."

ICJIA officials added that the DuPage County Sheriff's and Northeastern Illinois Regional Crime Labs have showed interest in receiving a portion of funds designated to ISP because ISP doesn't always spend the entire amount of funding. Unlike many grant programs, the Coverdell grant funding does not require matching funds. ICJIA officials said because there is no matching funds requirement, there is no explanation for ISP's delay in spending federal funds.

Exhibit 2-9 shows grant funds that were not expended by DFS as of January 16, 2008. Several of the grants in the exhibit that show a large unspent dollar amount are still active. According to ISP officials, there are several National Institute of Justice (NIJ) grant programs for

which funds have been awarded but the programs are not currently active due to ISP efforts to complete 2005 and 2006 grant programs. The following grants were still open according to ISP at the end of FY07: 2005 Forensic DNA Casework Backlog Reduction Program, 2006 Forensic DNA Casework Backlog Reduction Program, 2005 DNA Capacity Enhancement Program, 2006 DNA Capacity Enhancement Program, and the 2006 Paul Coverdell National Forensic Sciences Improvement Act Grant.

Exhibit 2-9 UNSPENT GRANT FUNDING BY DIVISION OF FORENSIC SERVICES As of January 16, 2008			
Grant	Grant Award	Expenditures	Lapsed
<i>Closed Grants:</i>			
FY01 No Suspect DNA Backlog Reduction	\$500,000	\$500,000	\$0
FY02 Crime Lab Improvement	\$250,000	\$220,059	\$29,941
Project DRAGUN (Drugs and Guns)	\$16,320	\$16,250	\$70
FY03 No Suspect DNA Backlog Reduction	\$1,236,480	\$940,274	\$296,206
FY03 Convicted Offender Backlog Reduction	\$628,633	\$619,280	\$9,353
Sexual Assault DNA Analysis	\$160,000	\$159,900	\$100
Sexual Assault DNA Evidence Collection	\$300,443	\$81,034	\$219,409
Sexual Assault DNA Evidence Collection	\$408,159	\$404,459	\$3,700
Sexual Assault DNA Analysis	\$85,263	\$84,950	\$313
Sexual Assault DNA Analysis	\$416,214	\$414,064	\$2,150
Project Safe Neighborhoods 2004	\$40,000	\$39,233	\$767
Midwestern Association of Forensic Scientists	\$1,887	\$1,887	\$0
Midwest Forensic Resource Center	\$15,307	\$14,798	\$509
Sexual Assault DNA Analysis Program	\$363,693	\$343,148	\$20,545
Juvenile Accountability Incentive Block	\$100,000	\$50,000	\$50,000
2002 Coverdell Grant	\$141,689	\$141,099	\$590
2003 Coverdell Grant	\$153,226	\$143,894	\$9,332
2004 Coverdell Grant	\$289,134	\$286,889	\$2,245
2005 Coverdell Grant	\$316,037	\$253,487	\$62,550
2004 DNA Capacity Enhancement	\$1,529,577	\$1,499,689	\$29,888
2005 Convicted Offender Backlog Reduction	\$80,094	\$79,478	\$616
2006 Convicted Offender Backlog Reduction	\$16,175	\$3,791	\$12,384
2004 Forensic Casework DNA Backlog Reduction	\$1,753,447	\$1,185,788	\$567,659
<i>Subtotal – Closed Grants</i>	\$8,801,778	\$7,483,451	\$1,318,327
Grant	Grant Award	Expenditures	Unspent
<i>Open Grants:</i>			
2006 Coverdell Grant	\$320,547	\$0	\$320,547
2005 Forensic Casework DNA Backlog Reduction	\$1,175,886	\$412,156	\$763,730
2006 Forensic Casework DNA Backlog Reduction	\$850,000	\$0	\$850,000
2005 DNA Capacity Enhancement	\$1,309,335	\$4,479	\$1,304,856
2006 DNA Capacity Enhancement	\$1,668,051	\$0	\$1,668,051
<i>Subtotal – Open Grants</i>	\$5,323,819	\$416,635	\$4,907,184
Total	\$14,125,597	\$7,900,086	\$6,225,511

Source: OAG summary of DFS grant awards and expenditure documentation.

GRANT FUNDING	
RECOMMENDATION NUMBER 4	<p><i>The Illinois State Police should ensure that all grant funding is spent in accordance with the grant agreements and not allow this funding to lapse. The Illinois State Police should also ensure that the grant funds are spent in a timely manner to avoid having the grant funding discontinued.</i></p>
ILLINOIS STATE POLICE RESPONSE	<p>Regarding the “Timeliness Issues” section (including OAG Exhibit 2-8), some information provided to the OAG from the Illinois Criminal Justice Information Authority (ICJIA) is inconsistent with ISP’s information and may reflect the date ICJIA logged the required grant reports into their system and not the date ISP submitted the reports. ISP maintains that only two of the progress reports (due 1/15/07 and 12/15/07) were submitted late. The January 2007 report was delayed because the agreement was not signed until February 2007. Documentation to support these statements regarding ISP’s submission dates were provided to the OAG but had not been incorporated into this report. The information is summarized in the following corrected table. [AUDITOR NOTE: See the agency responses contained in Appendix F for the referenced table.]</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p style="text-align: center;"><i>Auditor Comment #5</i></p> <p style="text-align: center;"><i>Contrary to ISP’s assertion, the auditors <u>did not</u> utilize dates from the Illinois Criminal Justice Information Authority’s system. Rather, the OAG utilized the dates from the actual quarterly progress reports <u>prepared by the Director of ISP’s Research and Development lab</u>, who is responsible for grant administration.</i></p> </div> <p>A number of corrections to various grant award, expenditure, and lapsed amounts listed in OAG Exhibit 2-9 were also requested of the OAG at the exit conference but have not been included in this report. Vouchering completed by ISP during the prescribed grant lapse period was not reflected in some of the OAG’s listed figures, thus providing misleading information. Whatever amount remained unspent at the conclusion of the grant’s lapse period would be the true lapsed amount. One final correction was requested because, as of January 16, 2008, the 2004 Forensic Casework DNA Backlog Reduction grant was not closed and should have been listed in the “Open Grant” portion of Exhibit 2-9 instead of the “Closed Grant” section. That grant period (not including the allowed lapse period) was extended through January 31, 2008. Supporting documentation previously provided to the OAG in this regard was used to compile ISP’s corrected chart included in this response. The actual lapsed amount from the 22 FY02-FY07 grants which were closed as of 1-16-08 is \$214,639, not \$1.3 million. [AUDITOR NOTE: See the agency responses contained in Appendix F for the</p>

<p>Agency Response (continued)</p>	<p>referenced table.]</p> <p>As documented by the amount of grant funding requested and awarded since FY02, ISP recognizes and utilizes grant opportunities as a critical funding resource for the ISP laboratory system. Of the total \$13.8M awarded over the FY02-FY07 audit period, only \$215K (or 1.6%) was lapsed (not including grants still open as of 1-16-08).</p> <p>Some delays in spending the grant funding also were out of the control of the ISP. For a long period of time, staffing shortages at ICJIA severely impacted the timeliness with which that organization could process ISP’s requests for such grant activities as grant budget revisions, grant extensions, or even process initial grant awards. No further action, including spending the grant funds, could be taken by ISP until certain steps were completed by ICJIA. An additional factor impacting most grant spending is the extensive procurement process state agencies must complete through Central Management Services (CMS). All grant expenditures were in accordance with the grant agreements. DFS has never had grant funding discontinued.</p> <p>The ISP does concur with Recommendation 4, and will continue to ensure appropriate expenditure of grant funding in a timely manner. As of January 31, 2009, three of the “open” grants listed in OAG Exhibit 2-9 (and ISP Corrected Exhibit 2-9) are now closed. Final lapsed amounts from those grants are as follows:</p> <ul style="list-style-type: none"> ▪ 2005 Forensic Casework DNA Backlog Reduction grant - \$5,278 of \$1.176M awarded ▪ 2006 Coverdell Grant - \$1,552 of \$321K awarded ▪ 2006 Forensic Casework DNA Backlog Reduction grant - \$1,847 of \$850K awarded <p>The total amount lapsed from these three grants was 0.4% of the total amount awarded. Two of the other “open” grants listed in ISP Corrected Exhibit 2-9 were still open as of 1-31-09, and as of that date, equipment items being purchased from those grants had been delivered to the laboratories or were in the ordering process. ISP anticipates expending all funds from both of those grants and continues to actively pursue additional federal grant funding for the laboratory system.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Auditor Comment #6</p> <p><i>ISP indicated at the exit that they had “recently discovered” grant information previously provided on several different occasions was incomplete. However, the additional documentation provided by ISP was neither sufficient nor consistent for the OAG to change the report due to various factors including: (1) some documentation was for a time period after the period covered by Exhibit 2-9 of January 16, 2008; (2) some ISP documentation</i></p> </div>
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<p>Agency Response (continued)</p>	<p><i>provided was undated; and (3) ISP failed to provide documentation to show that one of the grants had been given a formal extension to be considered “open.” Instead, ISP provided email correspondence where the NIJ was very concerned that ISP had deobligated 1/3 of the total grant award. The ISP grant administrator concurred with the NIJ position and another ISP official agreed that ISP had “lapsed the funds.” Yet now, 14 months after our first request for this information, and subsequent requests, ISP creates a new Exhibit that has not been supported by documentation</i></p> <p><i>At this late date, our professional skepticism is heightened. Our Exhibit is based on ISP developed cost center/expenditure reports.</i></p>
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STAFFING ISSUES

Significant backlogs exist in all sections within the ISP forensic lab system. ISP has not completed a formal study of the optimal staffing needed to operate its forensic labs at sufficient levels to maintain its case processing goals. As will be discussed in Chapter Three, the number of **backlogged cases worked by ISP labs has increased by over 200 percent** from FY02 to FY07 (3,426 cases to 10,387 cases). While ISP has notified the Governor’s Office of backlog and staffing needs, ISP staff have reported the Governor’s Office has not allowed ISP to replace lost headcount.

Failure to maintain the necessary staffing levels results in cases remaining unsolved and serial criminals could remain free to commit additional crimes. 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.

Staffing Levels

From October to December 2007, we visited all eight operational labs and the Research and Development Lab. During these visits, lab directors reported that headcount is very difficult to replace. When staff are lost in a certain area, such as chemistry, the **lab may not be able to replace that same position** but may be allowed to hire in another section (i.e., biology).

ISP administrative staff reported that headcount at the forensic labs is constrained by the Governor’s Office of Management and Budget (GOMB) and that GOMB does not allow ISP to fill positions when forensic scientists leave. Once a scientist leaves the ISP lab system, it can take up to two years, after the hiring process is completed, to train a new scientist.

Overall, staffing of the Forensics Services Command remained relatively stable during the period FY02-FY07 with overall headcount decreasing by 3 percent. However, during the same period, **the number of cases submitted for analysis increased by 10 percent.**

Forensic scientist positions increased every fiscal year from 2002 through 2005 then decreased in 2006 and again in 2007. However, when experienced scientists leave ISP, they are replaced by a class of trainees.

ISP had 284 bench analyzing forensic scientists and another 43 trainee positions for a total of 327 scientific positions at the end of FY07. This represented a **3 percent decrease** since FY02 when the total scientific positions totaled 336. During the same time period, FY02-FY07, the number of cases submitted **increased by 10 percent**. Having fewer scientists to complete evidence analyses on a growing number of cases causes backlogs to increase.

Clerical support decreased by 16 percent from fiscal years 2002 through 2007. Scientific support, evidence technician positions, has increased from 22 to 33 positions over the last six fiscal years.

Managerial support at the labs, CMS Public Service Administrator series positions, has decreased by 16 percent since FY02. Lab manager positions not only oversee day-to-day operation of the labs but also provide supervisory oversight through mandatory review of three or more cases files per scientist per month. Management positions also maintain interaction with user agencies on specific cases and provide technical oversight duties in order to maintain accreditation.

Without more managers and clerical support to handle additional work with increased scientific staffing, their duties have to be assigned to scientific staff, which takes them away from casework duties. Exhibit 2-10 shows the Forensic Services Command staff levels at the end of FY02-FY07.

Exhibit 2-10 FORENSIC SCIENCES COMMAND STAFFING FY02-FY07 (at June 30 each year)												
Position Title/Type	FY02		FY03		FY04		FY05		FY06		FY07	
Senior Administration (PSA and SPSA)	69	3	54	21	55	17	62	7	59	9	58	2
Forensic Scientists (I, II, III)	260	N/A	286	N/A	294	N/A	301	N/A	288	N/A	284	N/A
Forensic Scientist Trainees	76	15	31	33	36	21	0	33	18	2	43	2
Scientific Support (Evidence Techs)	22	13	31	16	25	8	29	8	29	6	33	5
Clerical Support (Assistants, Clerks, etc.)	64	8	53	21	55	5	54	5	56	7	54	8
Maintenance (Buildings/Grounds)	9	0	9	0	8	2	8	1	12	3	13	1
Information Technology (Systems Analyst)	0	0	1	1	2	0	1	1	1	1	2	0
Total	500	39	465	92	475	53	455	55	463	28	487	18
Cases Submitted	110,415		109,278		116,355		121,538		121,782		121,934	
Note: PSA-Public Service Administrator SPSA-Senior Public Service Administrator.												
Note: Red figures are vacancies at June 30 per position title.												
Note: N/A – not applicable; vacant forensic scientist positions revert to trainees.												
Source: OAG summary of ISP staffing documentation.												

Vacancies in the Division of Forensic Sciences

During our tours of the nine lab facilities around the State, lab directors reported that they are down headcount of forensic scientists and/or evidence technicians in many of the **specific** sections. The directors indicated that the problem has persisted for years. These reductions have led to workers wearing many hats – forensic scientists checking in evidence that would normally be handled by evidence technicians. This takes time away from bench analyses for those forensic scientists and contributes to backlogs in cases.

ISP officials stated that when a Forensic Scientist position is lost through resignation or retirement, the headcount reverts to a Forensic Scientist Trainee vacancy. ISP officials also said that Forensic Scientist Trainee vacancies would not necessarily be filled in the same discipline or the same lab where the headcount was previously located. Forensic Sciences Command headquarters would determine the placement of the new hires based on operational needs both at the time of hire and at the completion of training.

ISP has **lost significant experienced staff** over the past four years. During calendar years 2004-2007, 117 personnel left employment with the labs. While some of these positions have been replaced, they are replaced by less experienced individuals that will take some time to

learn the position. According to documentation compiled by ISP, 64 forensic scientists have left the employment of the forensic labs between calendar years 2004 and 2007. An additional 16 evidence technicians were lost during the same period. Exhibit 2-11 shows the numbers of personnel lost during each year.

Exhibit 2-11 PERSONNEL LOSSES AT ISP LABS Calendar Years 2004-2007					
Position Type	2004	2005	2006	2007	Total
Forensic Scientist	24	15	9	16	64
Evidence Technician	5	3	1	7	16
Management/Clerical	6	7	13	8	34
Grounds/Maintenance	0	0	3	0	3
Total	35	25	26	31	117

Source: OAG summary of information from ISP Annual Reports.

ISP has attempted to fill vacant positions in its weekly report to the Governor’s Office. The report, known as an “Executive Dashboard,” provides the Governor with information relative to ISP operations, including those of the forensic labs. According to ISP officials, the lab’s headcount is restricted by the Governor’s Office.

Backlog reporting and the request for staffing are two of the components of the reports. Our review of the FY06 and FY07 reports showed that ISP had requested staffing on multiple occasions and that ISP determined that serious repercussions were possible if the staffing was not provided. For instance:

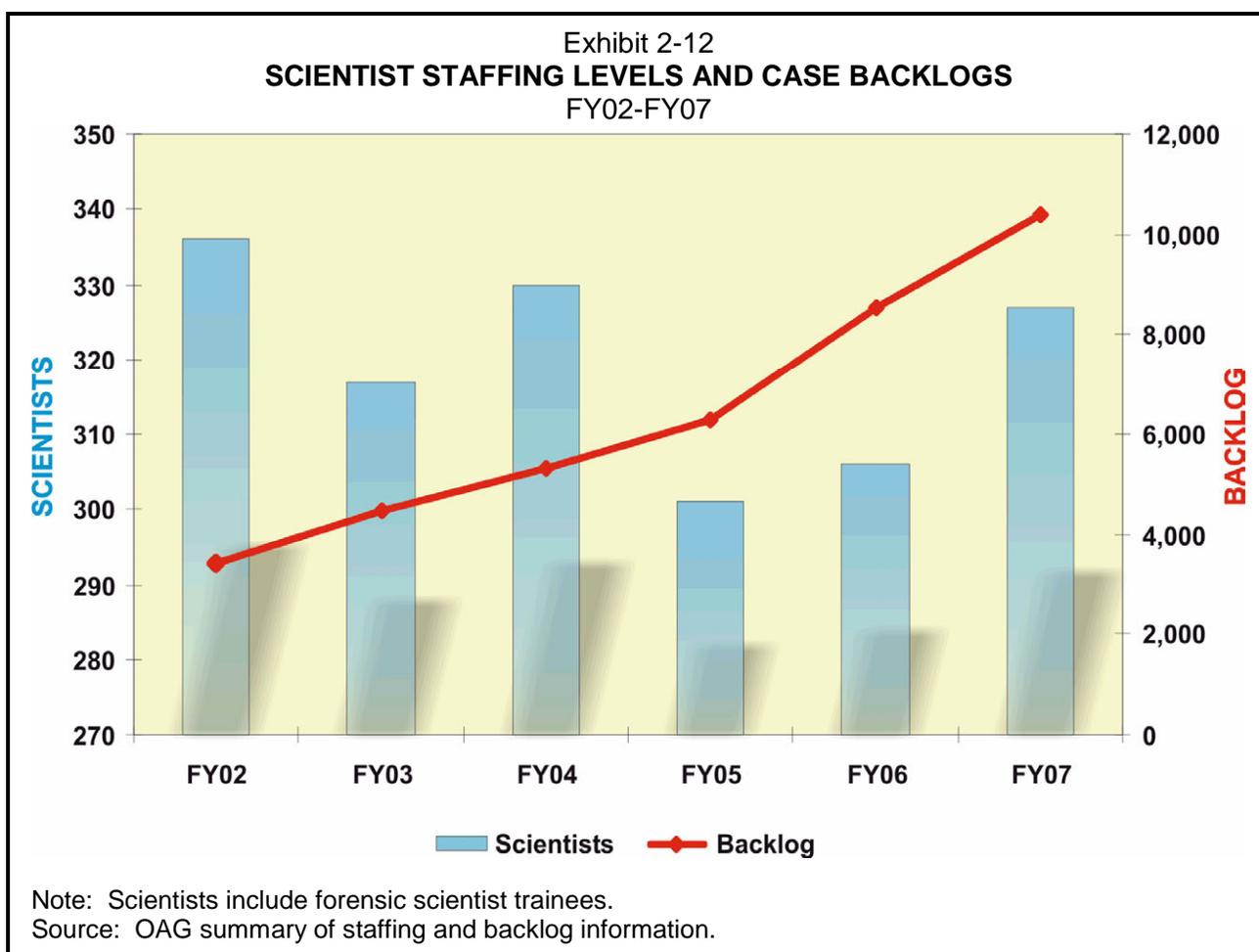
- A building/ground laborer was requested on May 17, 2006. ISP reported that if the position was “*not filled the operation of the Forensics Research and Development Laboratory will be severely impacted.*” ISP reported concern that the lab would not be cleaned on a daily basis which could result in contamination and safety issues. When we toured the lab on October 24, 2007 – 17 months later – staff reported they were still short this position.
- ISP attempted, in January 2005, to fill an Assistant Lab Director position in Joliet and notified the Governor that failure to fill the position could result in other managers in the lab having to work long hours, cancel vacations and suffer extensive burnout creating problems that multiply until the lab can no longer operate. Also the “*successful completion of criminal prosecutions may be threatened, offenders may go free, and innocent people may not be exonerated.*” The position was eventually filled eleven months later with an internal lab candidate.

Backlogs and Staffing

ISP has growing backlogs in virtually all of its forensic testing sections. This issue is discussed in depth in Chapter Three. ISP officials stated that they have not conducted any

studies on the funding or staffing levels that would be necessary to eliminate the backlog in cases that have not been worked.

To determine if the number of staff has an effect on the backlog of cases, we compared the **trends in staffing and backlogs** for fiscal years 2002 through 2007. We found that even as the number of scientists increased from fiscal years 2002 through 2005, the number of backlogged cases also increased. The number of scientists increased by 10 percent from fiscal year 2002 to 2003 (see Exhibit 2-10). This was the biggest staffing increase during the time period covered by the audit. During this same time period, backlogged cases increased by 30 percent, the second largest increase during the audit period. Exhibit 2-12 depicts the relationship between staffing and backlogs. ISP officials have reported that the number of cases has been on the rise during the audit period.



FORENSIC SCIENTIST INTERVIEWS

Time is taken away from analytical work when scientists must perform other duties in the lab. Less time spent on casework can increase the backlogs and delay results increasing the time that law enforcement agencies and attorneys must wait for their cases. To determine how much

time is spent on responsibilities and duties outside of scientists' analytical work, we chose a sample of 80 forensic scientists at the ISP crime labs. Out of our sample of 80 scientists, five had retired or left employment with the State and one scientist was on maternity leave. We were able to interview the remaining 74 scientists. The following sections provide a summary of common issues that were brought up by forensic scientists.

Lack of Evidence Technicians

Scientists at the eight operational labs stated that they are lacking evidence technicians to sign in and return evidence. The evidence technician shortage was reported in multiple disciplines. **Forty-two of 74 (57 percent) scientists** interviewed said they spend time doing evidence tech work. Following are examples from the labs of scientists doing evidence tech work.

- Seven scientists at the **Joliet** lab reported spending from **5 to 40 percent** of their time on evidence intake.
- Eight scientists at the **Westchester** lab reported spending from **5 to 30 percent** of their time on evidence intake.
- Six scientists at the **Metro-East** lab reported spending **up to 35 percent** of their time on evidence intake. One scientist in the Metro-East lab reported there had been no evidence technician in the Firearms sections since 2003.
- Five scientists at the **Rockford** lab reported spending from **less than 10 percent to up to 45 percent** of their time on evidence intake.
- Five scientists at the **Springfield** lab reported spending from **a minimal amount up to 25 percent** of their time on evidence intake. In the Latent Prints and Toxicology sections of the Springfield lab, the evidence technician responsibilities rotate between scientists. The Toxicology section **rotates on a weekly basis**, whereas the Latent Print section evidence tech work is usually done by the scientist with the lowest backlog.
- Five scientists at the **Morton** lab reported spending from **under 5 percent to up to 40 percent** of their time on evidence intake. Two of the scientists at the Morton lab said they help with evidence intake in other sections because of high backlogs and staffing shortages. One firearms examiner stated that until recently, she was the only scientist in her section, so she had to perform all the duties of the section by herself. These duties included driving evidence to Springfield to verify her analysis since there were no other firearms examiners in the Morton lab.
- Four scientists at the **Southern Illinois** lab reported they spent some time on evidence intake but could not put a percentage on these efforts. The Chemistry section has a rotation among the scientists (based on volume of cases received) to do evidence tech work.
- Two scientists in the Chicago lab reported the performance of evidence intake. One scientist was performing evidence intake for the latent prints section amounting to **2-3 percent of her work time**. This scientist was previously the evidence tech for this section. Another scientist in the Chemistry section indicated that **25 percent** of his time is spent **away from bench work** performing evidence intake.

Lack of Janitorial Staff

Two labs reported that they were experiencing or had experienced problems in the lab related to a lack of janitorial staff. The Morton lab was without a janitor for approximately six months. During this time, two scientists we interviewed said that they volunteered to help by cleaning the bathrooms and taking out the trash. As of April 2008, the Morton lab had a janitorial staff person.

The Metro-East lab has been without a janitor since October 2006. All seven scientists interviewed mentioned doing janitorial work. According to the Lab Director, the hiring process for this position is very detailed and includes background checks and polygraph exams. Since the Metro-East lab is having trouble filling the janitorial position, lab employees are responsible for the upkeep of the facility. These responsibilities include taking out the trash, cleaning bathrooms, wiping down tables, and mopping or vacuuming floors.

Need for Information Technology (IT) Professionals

Scientists at four labs told us they perform IT work for their respective labs in addition to their casework. A scientist in the Metro-East lab stated that he is able to troubleshoot minor problems, but is usually not able to resolve major problems. One scientist in the Rockford lab told us that he takes care of all the computers in the lab, the videoconferencing equipment, and the Integrated Ballistics Identification System (IBIS) equipment used in the firearms section. The scientist stated that these duties typically take up 25 percent of his time. One scientist at the Southern Illinois lab said half of his time is spent on casework and the other half is spent troubleshooting problems with the network and computers. A scientist at the Westchester lab takes care of all of the computers in the lab and is the Computer Assisted Lab Management System (CALMS) coordinator.

Lack of Permanent Assistant Lab Director

Scientists at two labs stated that the Assistant Lab Director positions in their labs have not been filled and scientists have been taken off casework for temporary assignments to these roles. In Westchester, two scientists said they had volunteered for and served a two month rotation as Acting Assistant Lab Director. According to the scientists, the lab interviewed to fill this position in December 2007, but as of April 2008 no announcement had been made as to the status of those interviews. A scientist at the Southern Illinois lab had recently served as an Acting Assistant Lab Director while another scientist noted he would be temporarily assigned as Assistant Lab Director starting May 2008 and therefore would not be working cases for two months.

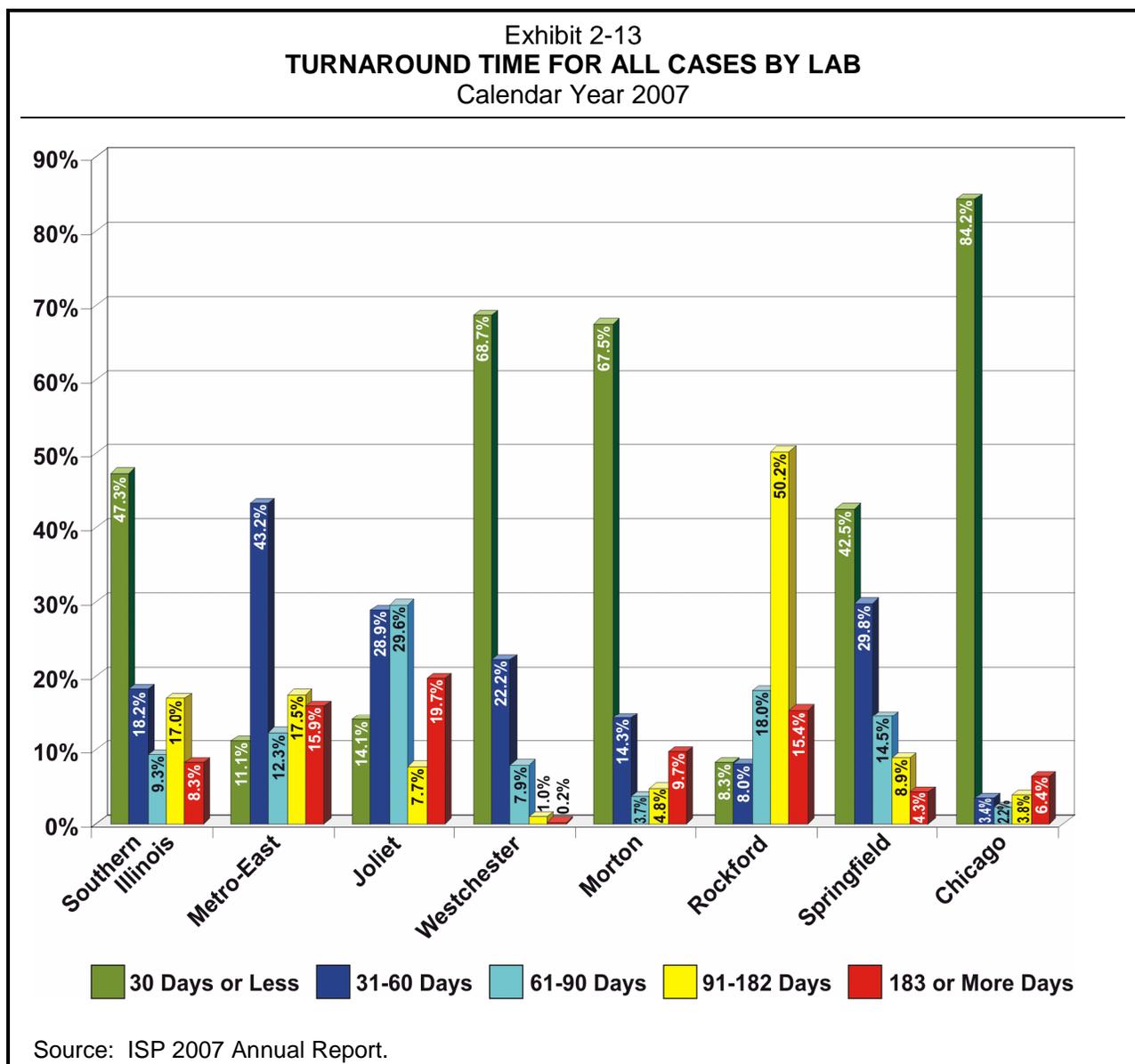
Impact on Case Analysis

Scientists working outside their position description have **negatively impacted** the ability of ISP to meet its 30-day case processing goal. Time spent away from analytical work lengthens the processing time for case analysis. Systemwide, the ISP labs met the turnaround of 30 days in 62.4 percent of the cases it processed during calendar year 2007. ISP **worked** a total of 115,956 cases in 2007.

Individual labs did not fare as well. Three ISP labs were unable to turnaround even 15 percent of their cases within the 30-day time frame. The Rockford lab only met the 30-day goal for 8.3 percent of all its cases during calendar year 2007. Metro-East and Joliet were able to meet the 30-day goal 11.1 percent and 14.1 percent of the time, respectively. It took the Joliet lab over 182 days (6 months) to process 2,271 of the cases it worked during 2007. Scientists at all three labs indicated to us that they spend a considerable amount of time away from the bench to perform other activities.

The Chicago lab, with the most staff system wide, met its 30-day goal for 84.2 percent of its cases. Exhibit 2-13 shows the turnaround time for all cases by lab during 2007.

Virtually all ISP forensic sections within all of the operational labs experience backlogs of cases. Chapter Three discusses the backlog issue in more detail and Appendix E provides backlog figures for each section and lab from FY02 to FY07.



LACK OF FORMAL STAFFING STUDIES	
<p>RECOMMENDATION NUMBER</p> <p style="font-size: 24pt;">5</p>	<p><i>The Illinois State Police should conduct a formal study of staffing levels to determine the appropriate staffing levels for the Division of Forensic Services.</i></p>
<p>ILLINOIS STATE POLICE RESPONSE</p>	<p>ISP does concur with the recommendation that a formal study of staffing levels should be conducted to determine the appropriate level to meet established goals. A more formal and comprehensive analysis would be a beneficial tool for this purpose and could be conducted in conjunction with the funding study referenced in ISP’s response to OAG Recommendation 3.</p> <p>Although staffing level is not the only factor which influences backlogs, it should be noted that per the budget instructions from GOMB, no new headcount could be requested in the budget starting with the FY07 budget request.</p> <p>Also a challenge is the training time required for a forensic scientist. Dependant upon the specific forensic discipline, training can typically run between 12 – 36 months before a scientist is able to work cases. Until they are fully trained, they have little impact on the backlogs. Compared to OAG Exhibit 2-12, the graph below provides a more comprehensive representation of three major factors impacting backlogs (staffing, cases submitted, and cases worked) as well as the overall backlog for the ISP laboratories during the audit period. [AUDITOR NOTE: See the agency responses contained in Appendix F for the referenced table.]</p>

Chapter Three

PROGRAM ADEQUACY

CHAPTER CONCLUSIONS

During FY07, ISP's forensic science lab system held two major accreditation certificates, one from the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) and another, the International Organization for Standardization (ISO), conducted by Forensic Quality Services (FQS-I). ISP first received its ASCLD/LAB accreditation in 1982; the FQS-I ISO accreditation was received in 2005. In June 2007, ISP allowed the ASCLD/LAB accreditation to lapse, keeping the FQS-I ISO accreditation.

FQS-I and ASCLD/LAB's accreditations are similar, but vary in implementation. The accreditation process generally **consists of an initial site visit** by a team of scientists associated with the respective accrediting organization, interim site visits, and self-reporting on the part of the labs. For example, FQS-I's accreditation cycle for ISP is four years with a comprehensive site visit after two years, whereas ASCLD/LAB's accreditation cycle is for a period of five years with annual site visits that sample aspects of the lab's management system.

ISP's Forensic Sciences Command (FSC) has established an **extensive** quality assurance program, which includes:

- Adoption of professional standards and guidelines, as well as issuing Command Directives and manuals.
- Assessing compliance through both internal reviews and external assessments.
- Monitoring service to assure quality and providing corrective action for quality concerns identified.
- Performing various types of internal and external proficiency testing, case file reviews, case reanalysis, and other procedures.

The Quality Assurance procedures can result in "**Minor Issues**" (issues which would not deter or have any effect on the adjudication process) or "**Issues Affecting Cases**" (issues which would effect adjudication). During 2007, 185 Minor Issues were reported in the various disciplines through the Quality Assurance program. This is a **decrease** from 220 in 2005 and 204 in 2006. These Minor Issues can be as innocuous as misspellings and pagination issues to dates of analysis being incorrect. Other Minor Issues include: improper cross outs, evidence description being different than evidence, and missing information from reports.

Twenty-three issues **that could affect** the adjudication of the evidence analyzed were found during the Quality Assurance testing in 2007. This is an **increase** from 9 in 2005 and 13 in 2006. These issues included failure to identify certain fluids to results changed from inconclusive to identification. However, to the Division of Forensic Service's (DFS) credit, more quality assurance cases have been initiated to respond to quality issues. DFS initiated 46 in FY05, 71 in FY06, and 94 in FY07.

To determine whether ISP is resolving quality concerns that arise, we sampled 45 of the 211 Quality Issue Reports (QIRs) opened during FY05-FY07. A QIR Form is utilized to follow the progress of remedial/corrective action taken to resolve a quality issue, and serves as a record of the actions taken. If the QIR case was substantiated, we tested to ensure that actions taken were appropriate to remedy the issue. Of the 45 QIR cases we sampled, 34 were substantiated, all of which were followed up on and had an appropriate disposition.

We did note that ISP is **not conducting site visits as required** by ISP’s Quality Manual and QA Program. Quality Review Coordinators conducted **only two** site visits in the last three years. The Quality Manual requires site visits to all the labs **at least once** during a Quality Review Coordinator’s term, which is two or three years depending on discipline.

Case backlogs within the ISP forensic labs have **grown significantly** during the audit period. The overall backlog for all sections within all labs has grown by 203 percent (not including backlogged cases which are outsourced), while total case submissions have only grown by 10 percent. A case is considered backlogged if it is not worked within 30 days of receipt. The longer cases remain unanalyzed, the longer the perpetrators go unidentified, free to commit additional crime, or the longer an innocent person may be held.

ISP has **underreported backlogged DNA cases** in its Accountability Report provided to the Governor and General Assembly. The backlogged DNA statistics in the Accountability Report, required by 730 ILCS 5/5-4-3a, do not match internal ISP documents **and** did not include cases which ISP has outsourced to private vendors. The most significant difference reported was for FY05. The DNA Accountability Report notes a **backlog of “0,”** as does an ISP weekly report to the Governor’s Office. On July 13, 2005, the Governor sent a letter to lab user agencies **announcing the elimination** of the backlog for DNA cases. However, ISP’s backlog statistics showed a backlog of **170 DNA** cases for the same time period. ISP officials attributed the discrepancies to an inability for the management reporting system to provide actual backlog numbers until 2006; therefore, the backlog numbers previously reported for FY04-FY06 in the DNA Accountability Reports were **estimates**, according to ISP officials.

In addition, when ISP outsourced a DNA case to a vendor, **ISP took that case out of its backlog statistics.** For example, after reporting a backlog of “0” at June 30, 2005, a July 2005 weekly report to the Governor’s Office notes that 126 DNA cases were outsourced in June 2005. According to ISP officials, these 126 DNA cases would **neither** be counted in the 0 cases reported in the Accountability Report nor in ISP’s 170 cases reported in the backlog statistics report. Likewise, any other DNA cases that had been outsourced and were older than 30 days (as well as any forensic biology cases that became DNA cases) would also not be included in any of ISP’s backlog numbers. Providing inaccurate and misleading information in reports inhibits the ability of the General Assembly to recognize the true needs of the ISP labs.

The FY08 DNA Accountability Report released August 1, 2008, was the first report to include data on the number of backlog cases at vendor labs. This increased the backlog figure by 36 percent – from 844 (backlog cases in-house) to 1,149 (backlog cases in-house and outsourced). This new reporting mechanism was instituted after this issue was raised by auditors.

From January through June 2007, the Rockford lab implemented an unconventional method for processing forensic biology/DNA cases which resulted in the misstatement of the true DNA backlog, in violation of the Unified Code of Corrections (730 ILCS 5/5-4-3a(1)). According to the lab director, Forensic Services Command (Command) knew of the use of this unconventional method, condoned the practice, and never told the lab to discontinue its use.

At the Rockford lab:

- The lab director implemented a process, in January 2007, whereby the one full-time scientist that analyzed biology cases was instructed to only work biology cases until 15-20 were ready to be transferred for DNA testing. After that level (15-20) was reached, the scientist would not work any other biology cases so as to not increase the workload in DNA, thus increasing the backlog of DNA cases. The analyst was assigned other duties to help the DNA processing such as proofing reports. The lab director reported that this strategy was communicated to the bureau manager, within Command, in charge of the Rockford lab.
- The end result of this unconventional processing method was that the DNA backlog would be understated and the biology backlog would become inflated. It needs to be noted that during FY07 only the DNA backlog, and not the biology backlog figures, were reported to the General Assembly in the DNA Accountability Reports.
- Our review of ISP backlog figures for the period FY06-FY07 showed a 211 percent increase (from 55 to 171 cases) in biology with a corresponding 51 percent decrease (from 169 to 83) in DNA backlog figures.

To obtain users' perspectives on the performance of the ISP's forensic labs, we surveyed local police departments, county sheriff's offices, state's attorneys, and public defenders located throughout the State. The following summarizes the major conclusions from their responses:

- **Timeliness:** Overall, 51 percent of the users surveyed indicated that they were satisfied or very satisfied with forensic results related to timeliness while conversely, 26 percent responded that they were dissatisfied or very dissatisfied. Seventy-one percent cited timeliness problems with biology/DNA cases; 35 percent cited timeliness problems with latent print cases. When a "rush" analysis was requested, only 19 percent responded that the State lab was unable to meet that request.
- **Impact of Timeliness on Cases:** Nearly half, **46 percent**, responded that problems with timeliness **negatively impacted** a case in the past five years. Many respondents indicated that the delays in receiving results hindered the prosecution of cases including not filing cases, dismissing cases, cases being delayed, and losing cases. Delays have also affected law enforcement's ability to arrest suspects or keep suspects in custody, and have caused individuals to remain suspects longer than necessary.
- **Adequacy or Accuracy of Results:** User agencies provided positive rating of the accuracy of ISP forensic analyses. Overall, **86 percent** of respondents indicated that they were satisfied or very satisfied with the adequacy/accuracy of results while only 4 percent were dissatisfied or very dissatisfied.
- **Sufficiency of ISP Standards and Procedures:** We asked if, in the last five years, agencies had issues during a court case with the sufficiency of ISP standards and

procedures. An example of this would be challenges to the standards and procedures in court. **Ten percent** (5 of 49) of the respondents identified an issue.

INTRODUCTION

House Resolution 451 asked us to determine whether ISP’s policies, procedures and protocols for operating its labs conform to professional standards. Additionally, the Resolution directed us to determine what ISP has done to address backlog problems. Finally, we were to determine the adequacy of the quality control processes that ensure testing integrity including the accreditation process.

We reviewed all policies, procedures and accreditation activities by ISP during the audit period. Further, we analyzed the backlog problems and ascertained what ISP was doing to address this problem. Our analysis is included in this chapter.

ACCREDITATION

During FY07, ISP’s forensic science lab system held the two major accreditation certificates generally accepted by the forensic community: ASCLD/LAB through the American Society of Crime Laboratory Directors/Laboratory Accreditation Board and ISO (International Organization for Standardization). ISP first received its ASCLD/LAB accreditation in 1982. The ISO accreditation was provided through Forensic Quality Services (FQS-I) in 2005.

Prior to 2005, ISP was only accredited by ASCLD/LAB. According to an ISP official, ISP decided that ISO accreditation has international recognition in all fields, and is just as, or more, rigorous than the ASCLD/LAB Legacy accreditation; therefore, in June 2007, ISP let the ASCLD/LAB Legacy accreditation lapse.

ISO is the world’s largest developer and publisher of International Standards. ISO, a non-governmental organization, is a network of the national standards institutes of 155 countries. ISO/IEC 17025, under which ISP is accredited, specifies the general requirements for the competence to carry out tests and/or calibrations, including sampling and is applicable to all forensic labs.

In June 2007, ISP awarded a contract to FQS-I to provide ISP’s ISO accreditation. According to an ISP official, in February 2004, when ISP posted an invitation for bid for its initial ISO accreditation, ASCLD/LAB did not submit a bid proposal. However, in 2007, when ISP’s ISO accreditation was up for renewal, ASCLD/LAB and FQS-I both bid on the contract. In June 2007, ISP awarded the contract to FQS-I. ISP officials said they chose FQS-I because their bid was significantly lower and did a better job of responding to the bid specifications.

FQS-I and ASCLD/LAB’s ISO accreditations are similar, but vary in implementation. The accreditation process generally consists of an initial site visit by a team of scientists associated with the respective accrediting organization, interim site visits, and self-reporting on the part of the labs. For example, FQS-I’s accreditation cycle for ISP is four years with a comprehensive site visit after two years, whereas ASCLD/LAB’s ISO accreditation cycle is for a

period of five years with annual site visits that sample aspects of the lab’s management system. See Exhibit 3-1 for a comparison of the programs.

Exhibit 3-1 ISO ACCREDITATION PROGRAM COMPARISON		
	FQS-I	ASCLD/LAB – International
Accreditation Period	2 to 5 years (ISP 4 years)	5 years
Interim Site Visits	Every 2 years	Annual (12-18 months) during first 5-year cycle; less frequent with history of positive performance
Lab Report Submittal	Annual	Annual
Full (initial) Assessment Fees	\$1,000 application fee per lab + fee based on number of assessors needed and length of assessment; assessor travel billed at cost.	\$3,000 application fee + fee based on the size of the assessment team and the number of days required to conduct the full assessment
Interim Site Visit Fees	\$500/site + fee based on number of assessors needed and length of assessment; assessor travel billed at cost.	\$1,000/lab, but generally less per lab in a multiple lab system (based upon agreed upon site visit schedule)
Annual Fees (after 1 st year)	\$500 - \$1,000/site	Based upon approved Annual Administrative Budget and projected costs of the annual surveillance visit ¹
Note: ¹ As of Jan. 4, 2007, the cost was \$154 per proficiency tested position.		
Source: OAG summary of FQS-I and ASCLD/LAB information.		

Accreditation Assessments

In May 2005, an initial ISO program assessment was conducted on ISP labs against the standards of ISO/IEC 17025. Despite 48 site-specific findings and 19 general findings or instances of non-compliance with the standards, the assessment team indicated in its report that there were a relatively small number of findings for an initial assessment. All non-compliant issues were appropriately remediated and by October 2005, ISO accreditation was awarded to each ISP lab. In August/September 2007, ISP received another ISO program assessment. Twenty-nine site-specific and 6 general instances of non-compliance were noted.

While there were less total instances of non-compliance, the report also noted 66 concerns, which are practices thought to have a detrimental effect on the lab’s operational effectiveness or the quality of its test results but which are not supported by objective evidence of non-conformity. The report noted that the instances of non-conformance identified should be easily remedied. It is also important to note that all instances of non-conformities must be remediated before a decision on accreditation will be made. Concerns must be responded to, but the lab is not required to remediate the issues unless specified. In December 2007, FQS-I accepted ISP’s remediations and responses and renewed ISP’s ISO accreditation.

Other States’ and the FBI’s Accreditation

We surveyed other states and the FBI regarding accreditations and found that all 12 responding states and the FBI were accredited by ASCLD/LAB and 8 of the 13 have utilized ASCLD/LAB as the accrediting organization for more than 10 years. Only one state, Georgia, was accredited by FQS-I, but this state was also accredited by ASCLD/LAB.

CASE BACKLOGS

Case backlogs within the ISP forensic labs have grown significantly during the audit period. From FY02-FY07, the overall backlog for all sections within ISP’s labs has grown by 203 percent (not including backlogged cases which are outsourced), while total case submissions have only grown by 10 percent. The longer cases remain unanalyzed, the longer the perpetrators go unidentified, free to commit additional crime.

Backlogs occur when the number of cases submitted to the lab exceeds the capacity of the lab staff to conduct the analysis within a 30-day time period. While the 30-day turnaround is an informal ISP goal, it is the basis for backlog reporting utilized by ISP and many other states.

According to ISP officials, there has historically been funding available from the federal government – through grants – to eliminate or reduce the backlog of cases involving DNA. However, ISP case backlogs run the spectrum of the services the labs offer.

ISP’s backlog of unworked cases has grown from FY02 to FY07. Exhibit 3-2 shows the number of backlogged cases by section and the percent increase (positive) or decrease (negative) from FY02 to FY07. ISP considers a case backlogged if the case is not worked in 30 days or less. ISP’s Division of Forensic Sciences has experienced an increase in backlog in 9 of 10 forensic science services provided. Additionally, ISP has backlogs in almost all sections at all forensic science labs throughout the State.

ISP officials noted that there is a backlog for DNA collected at crime scenes (casework), but no backlog for the Combined DNA Index System (CODIS) database (DNA of convicted offenders). Appendix E provides a listing of backlogs at each lab. ISP officials attribute backlogs to factors including decreased staffing, a lengthy training process, and an increase in case submissions. ISP’s crime labs have experienced an increase in case submissions from FY02-FY07 in 7 of 10 sections, ranging from 0.7 percent (Latent Prints) to 56.6 percent (DNA). The total backlog has grown by 203 percent, while total case submissions have only grown by 10 percent.

Exhibit 3-2 BACKLOGGED CASES BY SECTION FY02-FY07							
Section	FY02	FY03	FY04	FY05	FY06	FY07	% Change from FY02 to FY07
Drug Chemistry	692	269	944	1,337	1,826	2,053	196.7%
DNA	266	742	147	170	644	668	151.1%
Documents	36	21	15	20	33	14	-61.1%
Firearms/Toolmarks	196	263	458	912	629	947	383.2%
Biology	605	995	847	765	1,670	2,512	315.2%
Footwear/Tiretracks	37	81	120	54	64	91	145.9%
Latent Prints	1,443	1,719	2,086	2,348	2,814	3,344	131.7%
Microscopy	65	104	54	49	27	67	3.1%
Toxicology	1	7	220	11	167	199	19,800.0%
Trace Chemistry	85	269	420	596	680	492	478.8%
Total	3,426	4,470	5,311	6,262	8,554	10,387	203.2%

Source: Illinois State Police backlog statistics.

ISP's DNA Accountability Reports

ISP is statutorily required, by Public Act 93-0785, to submit DNA testing backlog accountability reports to the Governor and to the General Assembly to show the extent of the DNA backlog and what measures have been and are being taken to reduce it. The purpose of the reports is to provide the Governor and General Assembly with information **so that they can better monitor the progress of backlog reduction** and respond accordingly to any critical needs. Calendar Year 2004 was the first year this report was required.

The Unified Code of Corrections (Code) specifies how ISP is to report on the DNA backlog. Section 5-4-3a (1) of the Code defines the backlog as “all cases awaiting forensic testing whether in the physical custody of the State Police or in the physical custody of local law enforcement, provided that the State Police have written notice of any evidence in the physical custody of local law enforcement prior to June 1 of that year (730 ILCS 5/5-4-3a).”

Differences in DNA Accountability Reports and ISP Backlog Statistics

ISP's internal backlog statistics reflect **higher** backlog numbers than the DNA Accountability Reports. Exhibit 3-3 shows what ISP reported to the General Assembly and Governor in the DNA Accountability Reports versus the DNA backlog numbers according to backlog statistics reports generated by ISP's Computer Assisted Lab Management System (CALMS). CALMS is a case/evidence tracking, management and reporting system within the ISP Forensic Sciences Command. The most significant difference reported was for FY05. The DNA Accountability Report notes a backlog of “0,” as does an ISP weekly report to the Governor's Office. On July 13, 2005, the Governor sent a letter to lab user agencies **announcing the elimination** of the backlog for DNA cases.

While the Accountability Report and the weekly report show a backlog of 0 at the end of FY05, ISP's backlog statistics showed a backlog of 170 DNA cases for the same time period.

ISP officials attributed the discrepancies to an inability for the CALMS system to provide actual backlog numbers until 2006; therefore, the backlog numbers previously reported for FY04-FY06 in the DNA Accountability Reports were **estimates**, according to ISP officials.

The DNA backlog figures are **understated** in **both** the DNA Accountability Reports and ISP backlog statistic reports. When ISP outsources a DNA case to a vendor, **ISP takes that case off its backlog and, up until FY08, considered it part of the vendor’s backlog.**

For example, after reporting a backlog of “0” at June 30, 2005, a July 2005 weekly report to the Governor’s Office notes that 126 DNA cases were outsourced in June 2005. According to ISP officials, these 126 DNA cases would neither be counted in the 0 cases reported in the Accountability Reports nor in the 170 cases reported in the backlog statistics report. Likewise, any other DNA cases that had been outsourced and were older than 30 days (as well as any forensic biology cases that became DNA cases) would also not be included in any of ISP’s backlog numbers. It is important to note that on average, an outsourced case is at the vendor for 105 days and only 0.1 percent of cases are completed in 30 days or less. An ISP official indicated that during FY05, ISP was charged with reducing the DNA backlog to zero by the Governor’s Office.

An ISP official said ISP does not have a good mechanism of identifying backlogged outsourced cases since they come off CALMS. According to ISP, CALMS was designed only to be an internal tool used to look at staffing performance and needs and was previously unable to track the turnaround time of outsourced cases as a result. According to ISP, on February 6, 2009, recent changes to CALMS now enable the ISP to do this. This official also acknowledged that from the outside, the DNA backlog could look underreported because it does not take into account the outsourced cases.

The FY08 DNA Accountability Report released August 1, 2008, was the first report to **include** data on the number of backlog cases at vendor labs. This increased the backlog figure by 36 percent – from 844 (backlog cases in-house) to 1,149 (backlog cases in-house and outsourced). This new reporting mechanism was instituted after this issue was raised by auditors.

Distortion of DNA Backlog Statistics

From January through June 2007, the Rockford lab implemented an unconventional method for processing forensic biology/DNA cases which resulted in the misstatement of the true DNA backlog, in violation of the Unified Code of Corrections (730 ILCS 5/5-4-3(a)(1)). According to the lab director, Forensic Sciences Command (Command) knew of the use of this unconventional method, condoned the practice, and never told the lab to discontinue its use.

Exhibit 3-3 DNA REPORTED BACKLOG DISCREPANCIES			
Backlog at the end of	DNA Accountability Reports	ISP Backlog Statistics	Total Cases Submitted
FY04	175	147	2,386
FY05	0	170	3,326
FY06	626 ¹	644	3,642
FY07	668	668	3,363
Note: ¹ No Accountability Report was submitted for FY06 due to a change in report due date; therefore, number was taken from FY07 Report.			
Source: DNA Accountability Reports and ISP backlog statistics.			

The DNA backlog, 626 cases in-house at ISP at June 30, 2006, had increased drastically since the reported “zero” level at the end of FY05. During FY07, Command charged the labs with again reducing the backlog of DNA cases to zero. The labs were to find ways to more efficiently utilize personnel and technology to achieve this goal that was important to the Governor.

DNA cases initially come in as a forensic biology case and are worked as biology cases. According to a Rockford lab official, 60-65 percent of the biology cases worked in the Rockford lab have the presence of DNA so the cases are then transferred to the DNA section for additional analysis.

At the Rockford lab, the lab director implemented a process, in January 2007, whereby the one full-time scientist that analyzed biology cases was instructed to only work biology cases until 15-20 were ready to be transferred for DNA testing. After that level (15-20) was reached, the scientist would not work any other biology cases so as to not increase the workload and backlog of DNA cases. The analyst was assigned other duties to help the DNA processing, such as proofing reports. The lab director reported that this strategy was communicated to the bureau manager, within Command, in charge of the Rockford lab.

The end result of this unconventional processing method was that the DNA backlog would be understated and the biology backlog would become inflated. It needs to be noted that during FY07 only the DNA backlog, and not the biology backlog figures, were reported to the General Assembly in the DNA Accountability Reports.

Our review of ISP backlog figures for the period FY06-FY07 showed a 211 percent increase (from 55 to 171 cases) in biology with a corresponding 51 percent decrease (from 169 to 83) in DNA backlog figures. This DNA backlog included 50 cases discovered in March 2007 where the lab director found the biology scientist had worked cases in excess of the 15-20 limit. These cases were not in any backlog at the time.

The Rockford lab director reported that Command never directed the lab to discontinue the practice and the only reason the practice halted was because the biology scientist went on leave in June 2007. When cases are purposefully held, and not worked in biology, the user agencies are delayed in getting the forensic results they need to bring cases to justice. Each of those cases represents a victim and a suspect for which the legal system is trying to determine justice. Additionally, ISP is required, in the DNA Accountability Report, to report on the backlog of DNA cases, backlog being defined as “all cases awaiting forensic testing.” Holding biology cases, when 60-65 percent of those cases are known to be DNA cases, misstates the true DNA backlog.

DNA BACKLOG REPORTING	
<p>RECOMMENDATION NUMBER</p> <p style="font-size: 2em;">6</p>	<p><i>The Illinois State Police’s Division of Forensic Services should ensure that information/backlog numbers reported to the General Assembly, Governor, and user agencies are accurate and not misleading. Additionally, the Illinois State Police should ensure that its labs do not institute procedures that would impede the working of DNA cases in order to keep the reported backlog low.</i></p>
<p>ILLINOIS STATE POLICE RESPONSE</p>	<p>ISP concurs that information/backlog numbers reported to the General Assembly and the Governor should not be incorrect or misleading. Every attempt has always been made to ensure reports are clear and accurate. ISP also recognizes there may be public misperceptions regarding various aspects and limitations of forensic science, and will continue to seek opportunities to correct those misperceptions.</p> <p>Information provided was the most accurate ISP had at the time. CALMS was originally designed as a tool used for internal resource planning (e.g., placement of new staff, monitoring each lab’s case submissions/productivity/backlogs, etc.), and was never intended to provide the kinds of statistical details now being requested by external entities. Over the years, ISP’s ability to capture and report pertinent statistical information has expanded with modifications made to the CALMS system. Likewise, additions and modifications have also been made over the years to the kind of information included in the DNA Testing Accountability Report to ensure it provides a comprehensive review of ISP’s activities in this area.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Auditor Comment #7</p> <p><i>Clearly, the information reported to the General Assembly was <u>not</u> the most accurate ISP had at the time. As discussed in the audit report, internal ISP backlog reports showed 170 backlogged DNA cases at the end of FY05, while ISP’s Accountability Report showed 0.</i></p> </div> <p>In response to the second part of Recommendation 6, ISP does not allow laboratories to impede DNA casework but encourages them to identify innovative ways to improve efficiency and increase productivity while maintaining quality. Overall, the laboratories have incorporated various innovations with demonstrated improvement of 117% in DNA case productivity per analyst from 2002 to 2007.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Auditor Comment #8</p> <p><i>As stated in the audit, the lab director reported that Forensic Sciences Command knew of the use of this unconventional method, condoned the practice, and never told the lab to discontinue its use.</i></p> </div>

<p>Agency Response (continued)</p>	<p>The circumstances involving one laboratory’s unconventional method for processing forensic biology/DNA cases actually involved two separate isolated incidents, identified by our own command and appropriately corrected. In the first situation, the laboratory director implemented a process in January 2007, whereby one scientist who was on medical duty assignment was instructed to only work enough biology cases to generate 15-20 cases to be transferred for DNA testing. This is about 50% more DNA cases than the average biologist generates in one month. After that level was reached, the scientist was assigned other duties to assist the DNA processing, such as proofing DNA reports. If there were no additional tasks to be done for the DNA section, she was to then return to working additional biology cases. Setting a specific number of cases to be worked in biology each month was unconventional and was an attempt by a new lab director to efficiently match staffing to caseloads between the two disciplines. Upon review of the circumstances of this issue, the OAG staff agreed they did not believe the lab director’s approach in this matter was part of any nefarious plan.</p> <p>The second situation was created by the scientist herself. During the first three months of 2007, she worked more than the directed number of biology cases. Rather than forward all appropriate cases over to the DNA section for analysis, the scientist chose to retain any cases above the 15-20 case level. Consequently, these cases were not counted in any backlog at the time. This was done without the knowledge or approval of the lab director or the bureau chief. When the lab director discovered this, the practice was immediately stopped and all held cases were forwarded to the DNA section for analysis. These cases were properly included in the DNA backlog figures reported in the FY2007 DNA Testing Accountability Report.</p> <p>One correction to information provided in the OAG report is necessary. In Chapter 1, OAG Exhibit 1-6 lists the number of cases submitted to each discipline in FY07. In that table, the Forensic Biology and the DNA cases are combined as 7.63% of the total cases. The accompanying narrative incorrectly reports that figure for DNA case submissions. DNA cases represented only 2.76% of the ISP caseload in FY07.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><i>Auditor Comment #9</i> <i>The report has been revised.</i></p> </div>
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Turnaround Time of Services Provided

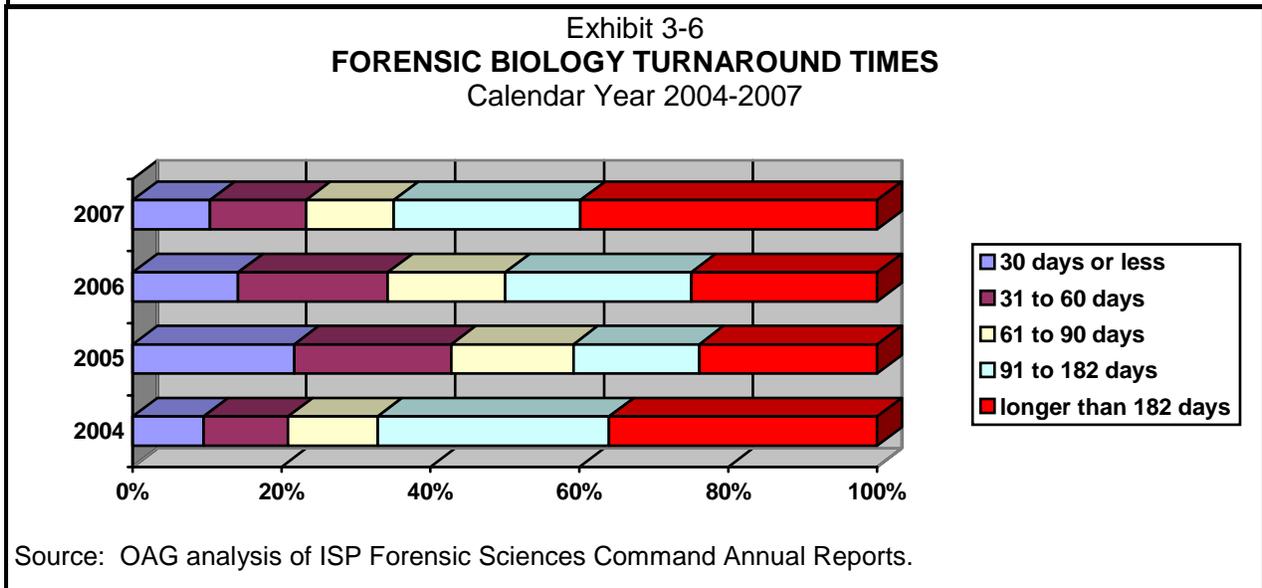
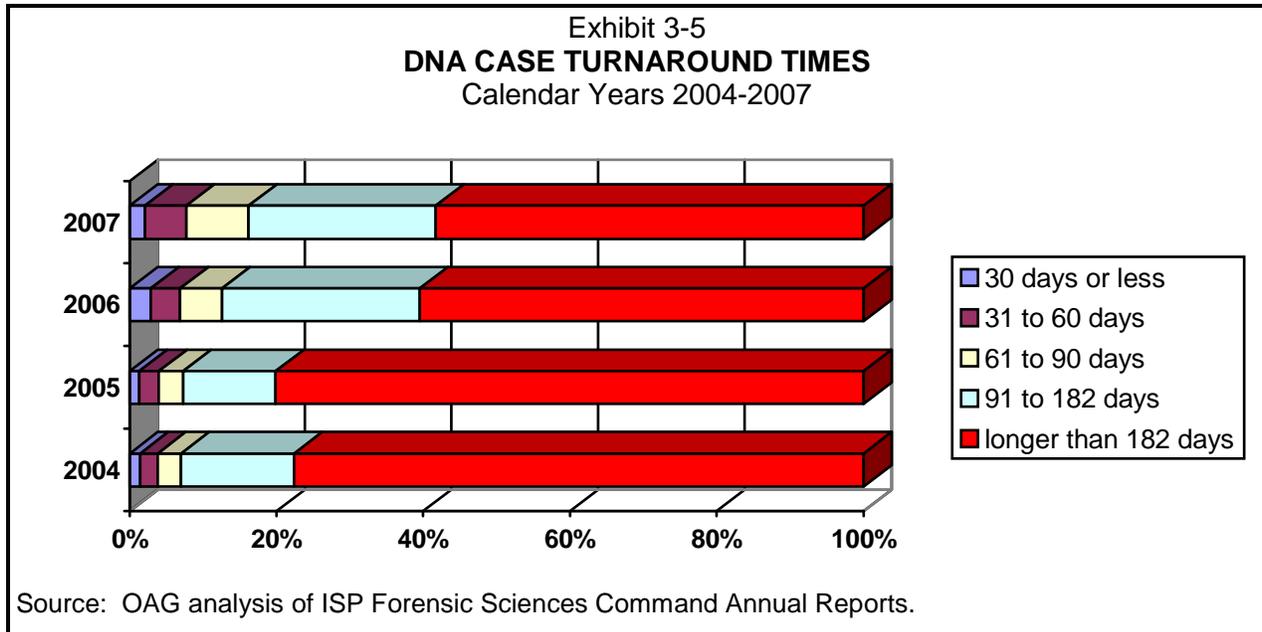
Turnaround times for ISP cases completed during 2007 show large percentages of cases that are not timely analyzed. User agencies noted the frustration of untimely case analysis and the impact it has on the ability to prosecute the guilty or exonerate the innocent.

Cases are considered backlogged when they take longer than 30 days to complete. Exhibit 3-4 presents the percent of cases, by section, completed in 30 days or less, as well as the percent of cases that would have been considered backlog at some point (taking longer than 30 days to complete) during 2007.

Exhibit 3-4 TURNAROUND TIMES BY SECTION Calendar Year 2007					
Section	% cases completed in 30 days or less	% cases completed in 31 to 60 days	% cases completed in 61 to 90 days	% cases completed in 91 to 182 days	% cases completed in more than 182 days
Drug Chemistry	79.3	10.4	6.8	2.7	0.7
DNA	2.1	5.6	8.5	25.5	58.2
Documents	33.8	27.6	17.8	14.1	6.7
Firearms/Toolmarks	11.6	18.8	18.7	31.2	19.8
Footwear/Tiretracks	17.0	14.4	11.9	22.4	34.3
Biology	10.4	12.9	11.8	25.1	39.9
Latent Prints	15.6	10.0	5.7	31.5	37.3
Microscopy	25.9	12.0	6.9	18.6	36.6
Toxicology	31.9	46.6	19.4	1.9	0.2
Trace Chemistry	22.7	13.7	13.3	32.7	17.7

Source: ISP Forensic Sciences Command 2007 Annual Report.

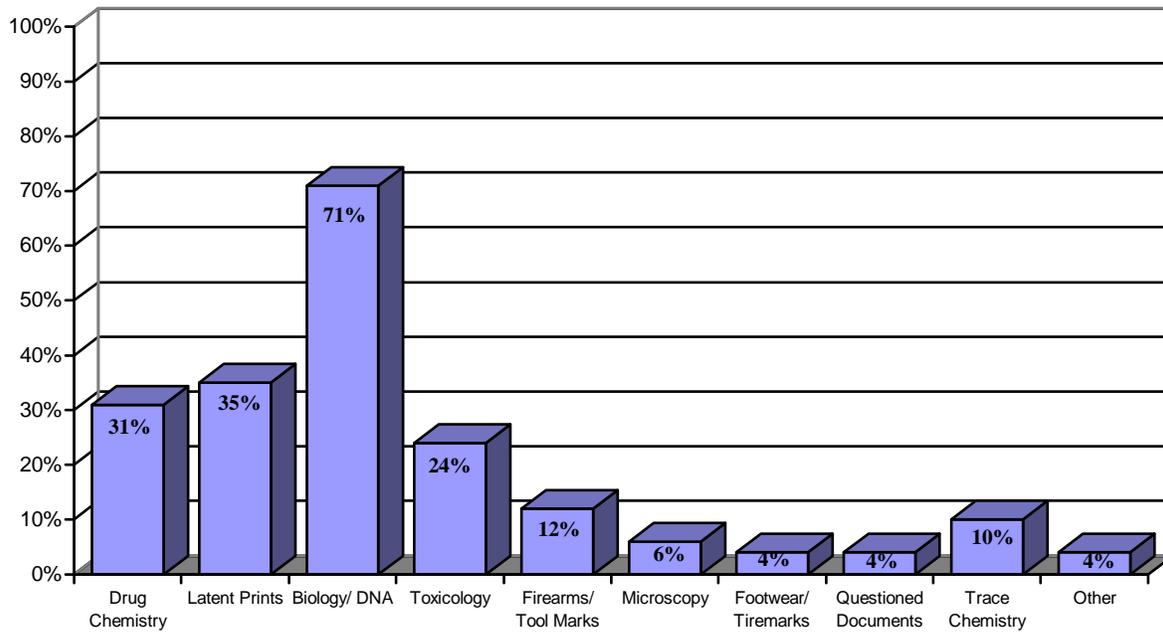
The DNA and Forensic Biology sections suffer from the lowest percent of cases being completed in 30 days or less. Only 2.1 percent of DNA and 10.4 percent of Forensic Biology cases completed in 2007 were done so in 30 days or less. For both DNA and Forensic Biology, this represents a decrease from 2006 in cases being completed in less than 30 days. See Exhibits 3-5 and 3-6 for the trends in turnaround times for DNA and Forensic Biology cases for calendar years 2004-2007.



Survey of User Agencies Regarding Timeliness of Services Provided

We asked user agencies if there are certain services provided by the State labs where timeliness has been a problem. Exhibit 3-7 shows the results regarding which services have had timeliness problems. Seventy-one percent of respondents indicated timeliness problems with Biology/DNA cases. The next highest percentage was latent print cases with 35 percent of agencies indicating a timeliness problem. One respondent indicated timeliness issues with all services. Another respondent noted that latent print cases take **6 to 9 months** to receive results and gunshot residue tests take **1 to 2 years** for results.

Exhibit 3-7
SERVICES WITH TIMELINESS PROBLEMS FOR USER AGENCIES



Source: OAG survey of users of the State labs.

Although timeliness is clearly an issue, State labs were usually able to meet requests for “rush” analysis. Only **19 percent** of respondents indicated that the State lab was unable to meet a “rush” analysis if it was requested. However, agencies that had “rush” cases that were not met were critical in their responses.

**USER AGENCY SURVEY RESPONSES
 RUSH ANALYSIS REQUESTS**

“We have asked for rush analysis on multiple murder cases and the need was not met because the lab was already working other high priority cases. The number of analysts relative to the amount of work seems to be the limiting factor. This is especially true for biology/DNA.” – Rockford Police Department

“Generally a “Rush” still has a wait time of 60-90 days. This is a long period of time when attempting to interview potential suspects and use test results for that process.” – Will County Sheriff’s Office

(User Agency Survey Responses-continued)

“There are several problems with the ISP lab responding in a timely fashion to requests for analysis of physical evidence. Some originate with lack of sufficient manpower, equipment and workspace problems, others are as a result of the system the lab employs to analyze evidence... Police departments, the Felony Review Unit of this Office and criminals all work 24 hours a day, seven days a week including holidays. The ISP Lab works Monday through Friday, essentially nine to five with all nights, weekends and holidays off. This schedule is a primary reason they are behind with their testing.” – Cook County State’s Attorney

“DNA cases...ISP lab personnel don t have the capacity to process the level of DNA cases they receive. While they generally give our serious cases a timely response, there have been occasions where a serious offender wasn’t arrested in a timely fashion based on slow DNA work.” – Springfield Police Department

“We have been told they do not do RUSH analysis because there are too many cases. This has happened numerous times. However, once in the past year they called in scientists to work a homicide case over a weekend. They were instrumental in getting the case charged.” – St. Clair County Sheriff’s Department

“We have requested a rush analysis on D.U.I kits, but our understanding is the D.U.I. kits are not a priority.” – DuPage County State’s Attorney

We also asked agencies whether timeliness issues have negatively **impacted a case** in the past five years. Nearly half, **46 percent**, responded that a case had been impacted. Many responders indicated that the delays in receiving results hindered the prosecution of cases including not filing cases, dismissing cases, cases being delayed, and losing cases. Delays have also affected law enforcement’s ability to arrest suspects or keep suspects in custody, and have caused individuals to remain suspects longer than necessary. Following are comments received related to timeliness issues impacting cases.

USER AGENCY SURVEY RESPONSES TIMELINESS AND IMPACT ON CASES

“I have received lab reports in which a suspect DNA profile was identified after the statute of limitations lapsed. It does little good to identify a suspect after the period during which a prosecution might begin.” – Rockford Police Department

“DUI blood draw cases have been dropped because labs were taking too long.” – Streamwood Police Department

“Again, results from testing have a great impact regarding what direction cases may take. Timely info is critical when conducting interviews of potential suspects. Most importantly, DNA and latents tend to have the greatest impact and these are the areas of biggest backlogs.” – Will County Sheriff’s Office

(User Agency Survey Responses-continued)

“Biology related usually; Have lost cases due to lab’s refusal to do lab work requested.” – Rock Island Police Department

“We have had problems with the lab deciding what they will process. If they have success with one item, they want to stop. We know best what needs done, for the prosecution of a case. We know they do not have enough employees to get the job done but it’s not right when you see over & over again, suspects being found “not guilty” on evidence issues.” – Decatur Police Department

“Again, DNA processing has allowed serious suspects to remain on the street. Also, a slow DNA response has kept individuals as suspects longer than necessary. This has kept detectives from focusing on other suspects.” – Springfield Police Department

“By the time almost any analysis has been completed and we received the report the criminal case has turned into a cold case. This has significantly hurt law enforcement abilities in St. Clair County. Our average results from the past year are below:

- *DNA - 8 to 12 months for results*
- *Drug Analysis - 3 to 4 months for results*
- *DUI Blood - 2 to 3 months for results*
- *Firearms - 4 to 6 months for results*
- *Fingerprinting - 6 to 8 months for results*
- *Biology - 2 months for results” – St. Clair County Sheriff’s Department*

“There are numerous cases in which offenders have remained unidentified due to the inability or the failure of the crime lab to analyze DNA evidence recovered from a crime victim or crime scene. These offenders have not only retained their liberty longer than they would have had the lab worked up the evidence in a timely manner, but have gone on to murder and victimize other people.” – Cook County State’s Attorney

“We have had a number of D.U.I. cases where we have to dismiss the case and re-file it later, after the blood results were received from the lab.” – DuPage County State’s Attorney

“Joliet lab always meets rush requests. However, analysis that goes through regular channels - takes a long time.” – Will County State’s Attorney

“There have been occasions where we have been unable to continue a case with incomplete lab work and have had to proceed to trial without evidence or have had to negotiate the case for less favorable terms.” – Kankakee County State’s Attorney

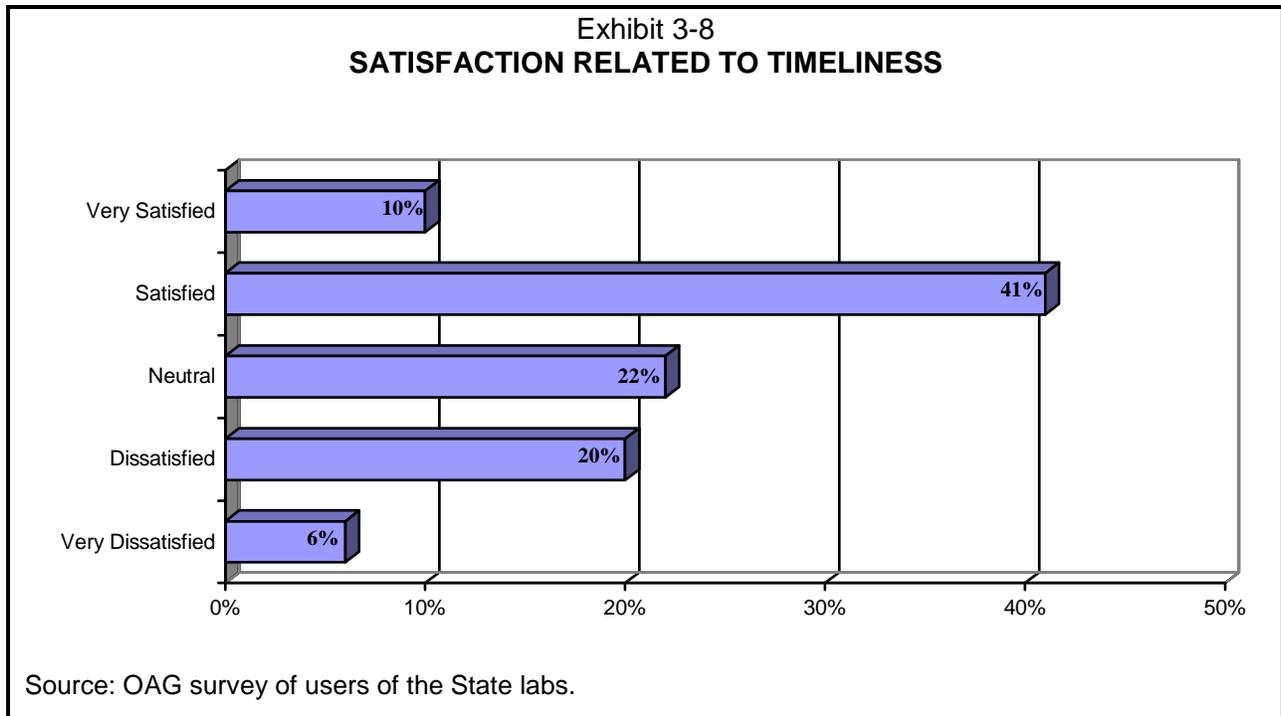
(User Agency Survey Responses-continued)

“Cases have been dismissed; cases have been delayed; evidence has been suppressed; trials have proceeded without all evidence.” – St. Clair County State’s Attorney

“Delay on a DNA case nearly resulted in my client’s case being dismissed and probably contributed to the offer ultimately made by the state. Results received after that plea identified my client as the contributor of the DNA. For me (defense) that was a positive impact - I would guess the state’s attorney would see it otherwise.” – Lake County Public Defender

“Defendants/clients have spent far longer than necessary in local custody waiting for lab results.” – Sangamon County Public Defender

We asked agencies to rate their **satisfaction level** with forensic results related to timeliness. Overall, **51 percent** indicated that they were satisfied or very satisfied while conversely, 26 percent responded that they were dissatisfied or very dissatisfied. Relative to those that were not satisfied with ISP lab timeliness, the user agencies were located all around the State and were a mix of the three types of users we surveyed, state’s attorney’s, public defenders, and local law enforcement agencies (See Exhibit 3-8).



ISP’s Efforts to Decrease Backlogs

Although ISP officials have been taking actions to decrease backlogs, **ISP does not have a formal plan** to address backlogs, nor were officials aware of any studies done to ascertain the funding level needed to eliminate backlogs. Activities ISP has undertaken to reduce backlogs include:

- Requested more staffing and utilized overtime.
- Outsourced cases to private labs to decrease the DNA and Forensic Biology backlogs and get information back to user agencies in a more timely manner; however, ISP is outsourcing less due to problems with vendors and the lack of time savings when review of outsourced cases is considered.
- Transferring cases between State labs.
- Increasing efficiency, streamlining training programs, new technology and looking at cases that have the most probative value for efficiency. However, without a formal plan, ISP lacks defined goals for decreasing backlogs and does not have benchmarks with which to compare its progress.

In FY06 and FY07, ISP was asking the Governor for approval to fill various positions including forensic scientists, evidence techs, supervisors, assistant lab director, and various support positions (account technicians, building and grounds laborers). Reports to the Governor’s Office frequently note that not filling vacancies could cause backlogs to increase. ISP provided the Governor’s Office with CODIS and DNA backlog figures regularly in FY06 and FY07. Beginning in February 2007, ISP also began reporting the status of other sections that were experiencing backlogs, such as Firearms, Latent Prints, and Trace Chemistry. These reports also provided detailed information such as potential impact, strategy for resolution, and estimated completion dates. ISP’s strategy for resolution of the various backlogs generally consisted of filling staffing vacancies and reviewing current staffing levels.

BACKLOG REDUCTION/ELIMINATION PLAN	
RECOMMENDATION NUMBER 7	<i>The Illinois State Police should develop a formal plan for reducing or eliminating backlogs of forensic services cases.</i>
ILLINOIS STATE POLICE RESPONSE	<p>Although the ISP does not have a formal plan, the ISP has placed considerable efforts into reducing the backlog. These efforts include the use of overtime, outsourcing some cases, and implementing new technologies. In the body of the audit report, the relationship between the number of scientists and the backlog was depicted in OAG Exhibit 2-12. It is important to note that the number of scientists is not the only factor impacting backlogs. Other factors include, but are not limited to: the number of cases submitted and worked (as seen in the chart in ISP’s response to Recommendation 5); the number of scientists assigned to train the new staff; and the number of scientists assigned to fulfill the non-casework duties</p> <p>The backlog issue is not unique to ISP. For several years now, the news</p>

<p>Agency Response (continued)</p>	<p>media has reported on growing case backlogs across the nation, not only in DNA but also in other forensic disciplines. In many cases, rising case submissions have contributed to the concern. To provide some perspective, the following table lists the FY05-FY07 case submissions and case backlogs of the ISP laboratory system and the 13 lab respondents to the OAG’s survey. [AUDITOR NOTE: See the agency responses contained in Appendix F for the referenced table.]</p> <p>A quick analysis of the limited information provided in the chart shows that other laboratories and lab systems are also dealing with ongoing backlog issues. In FY05, ISP’s backlog represented 5.15% of the total number of cases submitted that year. The range for other responding labs in FY05 was 3.77% to 34.88%. By FY07, the range for those labs was 4.24% to 64.58%. ISP’s FY07 figure of 8.52% was well within the range experienced by other labs.</p> <p>The survey of user agencies demonstrated ISP met requests for “rush” analysis 81% of the time. Since ISP was not aware of any communicated rush requests which were not met, the ISP will reach out to those agencies who commented about such an occurrence.</p> <p>ISP concurs with the recommendation and will coordinate development of this plan with the formal studies/analyses to be conducted regarding proper staffing and funding levels. Facility needs such as expansion, renovation, or new construction will also have to be determined to ensure a comprehensive approach is considered. User agency feedback will also be important to ensure the needs of the criminal justice system continue to be met. In addition to surveying all user agencies, ISP will make a concerted effort to contact each entity that responded to the OAG’s survey for further information and follow up on their specific comments and concerns. Any approach considered by ISP will not jeopardize the quality of the forensic analysis performed. Many user agencies recognize and appreciate ISP’s efforts to maintain this high level of quality despite backlog and staffing challenges. For example, the respondent for the Springfield Police Department, quoted in various parts of this audit report, included the following additional comment in his survey response: “I don’t want to convey a negative attitude about ISP Labs. They are very competent & capable professionals who provide SPD with high quality services.”</p> <div style="border: 1px solid black; padding: 10px; margin-top: 20px;"> <p><i>Auditor Comment #10</i></p> <p><i>The audit does note that backlogs are not unique to Illinois. However, care must be taken when comparing Illinois’ backlog statistics with those reported by other states. As discussed in this report, auditors raised questions about the veracity of the backlog figures reported by ISP (e.g., inaccurate reporting of DNA backlogs to the General Assembly, as well as excluding cases sent to contractual laboratories from the backlog</i></p> </div>
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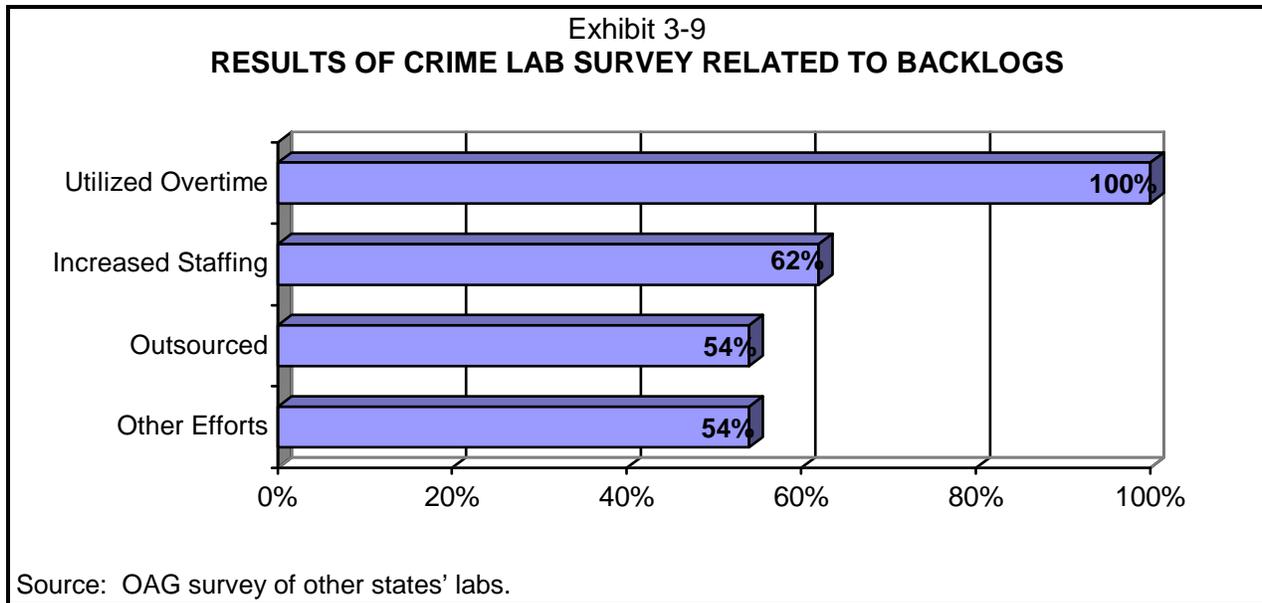
<p>Agency Response (continued)</p>	<p><i>count). Furthermore, several states reported variations in how they define and/or report backlogged cases, which raise further questions concerning the validity of such comparisons. For example: (1) each state defined its backlog differently (several states counted a case as backlog if it was unworked, regardless of whether it had been at the lab for 5 days or 50 days); (2) some states did not provide numbers for all disciplines (for example, Virginia responded that they provide biology, footwear/tire track, microscopy, and DNA CODIS analysis; however, they did not provide backlog figures for these disciplines); and (3) the number and type of cases submitted and backlogged is relative to size of lab and number of services offered.</i></p>	
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Other States’ and FBI’s Backlogs

ISP case backlogs are nothing new to the forensic services community. We surveyed 13 crime labs from other states, two non-State operated Illinois labs, and the FBI to capture information related to backlogs. Eleven of 13 respondents provided data regarding their backlogs at the end of FY05 to FY07. Results of the 11 indicated:

- **All of the respondents experienced backlogs** and most respondents showed a backlog in all of their services provided.
- Backlogs have grown from FY05 to FY07 for the majority of respondents in the areas of DNA casework and Firearms/Toolmarks. Most respondents experienced a **decrease in backlogs** from FY05 to FY07 in the areas of Drug Chemistry and Latent Prints. ISP experienced growth in the backlog in all four of these areas.
- ISP’s backlogs decreased from FY05 to FY07 in the areas of Trace Chemistry and Questioned Documents; however, respondents’ backlogs in these areas were mixed, with about half experiencing increases and half experiencing decreases.

We also found that labs in other states have utilized the same strategies as ISP in dealing with the backlogs. Exhibit 3-9 shows the results of our survey for the 13 entities that responded. All 13 respondents utilized overtime and 8 respondents (62 percent) increased staffing. Five respondents had increased staffing, utilized overtime, and outsourced in an effort to reduce backlogs. Seven respondents (54 percent) made other efforts which included robotics automation, internal process improvements, reducing service training, and modifying case acceptance policies for evidence submitted to the labs.



ADEQUACY OF ISP POLICIES, PROCEDURES, AND PROTOCOLS

ISP's Forensic Sciences Command (FSC) is responsible for ensuring the individual labs maintain compliance with professional guidelines. According to the FSC Quality Manual, it uses the following professional guidelines: ISO 17025 standards, FQS supplemental requirements, and DNA Quality Assurance Standards published by the FBI. FSC has established Command Directives and manuals to implement these standards. Compliance is assessed through both internal review and external assessments.

ISP's internal review procedures monitor service to assure quality and providing corrective action for quality concerns identified. ISP's internal review consists of an extensive Quality Assurance (QA) Program managed by FSC's Director of Quality Assurance. According to FSC's Quality Manual, the Quality Assurance Program allows the Command to meet the requirements of professional guidelines. The QA program requires internal and external proficiency testing, case file reviews, case reanalysis, and various other procedures.

External reviews of ISP's forensic services also ensure compliance with professional standards by monitoring service and requiring remediation of issues. External reviews include ISO accreditation reviews and other external assessments. For example, to maintain ISO accreditation, ISP must have an ISO audit every four years (and show remediation of findings), an on-site visit every two years, as well as annually submit documents to the accrediting body to show compliance with any changes in standards that occurred in the past year. ISP also undergoes external grant assessments every two years as well as other external reviews.

Sufficiency of ISP Standards and Procedures for User Agencies

Users of the ISP forensic labs reported issues revolving around forensic procedures. In a survey to users of the ISP forensic system (agencies surveyed were located throughout the State and included local police departments, county sheriff's offices, state's attorneys, and public

defenders) we asked if, in the last five years, agencies had issues during a court case with the sufficiency of ISP standards and procedures. An example of this would be challenges to the standards and procedures in court. Only 10 percent (5 of 49) of the respondents identified an issue. Of these five respondents, four did not feel that ISP standards and procedures were sufficient for court. Three of the five respondents had voiced their complaints or problems to ISP, and two did not. One of these three respondents’ issues had been addressed; however, the user was not satisfied with the response. According to the respondents, the remaining two respondents’ issues were not addressed. Examples of user survey respondents’ issues included:

- *ISP refusal of testing on additional items which may have been crucial to a case – reported by Decatur Police Department.*
- *Limited qualification of ISP staff has caused some jurors’ distrust – reported by Winnebago County Public Defender.*

QUALITY CONTROL PROCESSES

The Forensic Sciences Command utilizes quality control processes in the form of both internal and external review. Each process is further discussed below.

Internal Review Process

ISP’s internal review procedures help to ensure compliance with professional standards by monitoring service to assure quality and providing corrective action for quality concerns identified. The QA Program is under the direction of the Director of Quality Assurance who is assisted by 13 Quality Review Coordinators (QRCs) – one each from the Documents, Microscopy, Biology, Toxicology, Latent Prints, Footwear/Tire Tracks, DNA, and Drug Chemistry sections; two from Firearms/Toolmarks; and three from Trace Chemistry.

QRCs are responsible for carrying out quality assurance procedures cited in the Command Quality Manual: case reanalysis, case file reviews (which can be conducted by peers, administrative or supervisory staff), internal proficiency testing and on-site visits. Depending on the discipline, each analyst/examiner participates in one or more annual proficiency tests and on-site visits. The QA Manual sets standards for the frequency of these reviews. At the end of each year, the QRCs provide a summary of their work and findings to the QA Director for inclusion in the QA Annual Report.

To assist further with the quality process, an individual at each lab is designated as a Quality Manager. It is the responsibility of the Quality Manager at each respective lab to conduct an annual review of the quality system in place, track the QA processes, and file a year-end evaluation of lab activities and recommendations to improve the quality system. The year-end review should include information obtained from various audits and any other factors impacting quality (i.e., new programs or policies, change in volume of work, complaints) and will be included in the QA Annual Report. Additionally, the Lab Quality Manager is the contact for the QRCs in the performance of their duties. Exhibit 3-10 provides a list of internal reviews conducted and a brief description of each.

Exhibit 3-10 QUALITY ASSURANCE INTERNAL REVIEWS	
Review	Description & Requirements per Calendar Year
Case Reanalysis	Cases randomly selected and reworked by the QRC; minimum of 2 cases per analyst except drug chemistry (3) and DNA (1).
Case File Review	
Administrative	Lab management reviews 3 cases per month for all analysts for clerical and technical accuracy and completeness. Prior to mailing any report, author reviews for clerical and technical accuracy and completeness.
Technical	Intra-sectional peer review to confirm that the data and information within the case file supports the conclusions and appropriate Forensic Sciences Command policies and procedures have been followed.
Internal Proficiency Testing	Tests made by the QRC to assess analyst's ability to obtain accurate results and interpret them properly. All analysts performing casework must pass an internal proficiency test every year in their specific casework area(s).
External Proficiency Testing	Tests made by an outside testing agency which are worked by one or more analysts from each section from all labs. Results are graded by the testing agency. External proficiency testing is once a year for each analyst except DNA which requires testing twice a year.
On-Site Visits	QRCs observe analysts processing casework and evaluate safety procedures, evidence handling, instrument maintenance and supplemental activities. Must occur within at least once during the QRC's term (2 or 3 years based on section).
Courtroom Testimony Review	Reviewed annually by management viewing testimony, reviewing court cards submitted to judges and attorneys, or by other means of obtaining feedback from attorneys and judges.
Internal Audits	
Lab Audits	Each Lab Director must conduct at least one in-house audit annually. The Director of QA must also conduct an annual audit of each lab. This audit may be superseded by an external audit.
Annual Reviews	The Director of QA is responsible for doing an annual QA report. This report will describe all QA activities and issues during the previous year, and include a summary of lab activities based on the annual lab audits.
Evidence Vault Audits	Semi-annual audits must be arranged by lab management, performed by a person not from the inspected lab, and results reported to the Director of QA. Monthly audits must be unannounced and conducted by the Lab Director (or a designee). Upon a change in Lab Directors, a 100% vault audit is to be conducted within 6 months. Prior to an employee leaving a lab, a 100% audit of any evidence in his/her custody must be conducted.
Source: OAG summary of ISP documents.	

During calendar 2007, 1,499 case reviews were completed as part of the QA program. Another 685 cases were reanalyzed. Quality Assurance procedures conducted during calendar year 2007 are shown in Exhibit 3-11. The Director of the QA program explained that the numbers of procedures conducted are often higher than the required minimum because additional reviews and procedures are requested or conducted as a result of quality issues or questions that arise throughout the year.

This is the case for on-site visits noted in the QA Annual Report. The Director of the QA program explained that the on-site visits noted in the 2007 Report are not those required of QRCs. Instead, they are the result of quality issues or questions that arose throughout the year. These visits did not cover all aspects required of a QRC visit and therefore are not counted as such.

Exhibit 3-11 QUALITY ASSURANCE PROCEDURES CONDUCTED Calendar Year 2007					
Section	Case Reanalysis	Case File Reviews	On-Site Visits	Internal Proficiency	External Proficiency
Drug Chemistry	246	574	0	88	16
DNA	63	105	1	0	133
Documents	6	10	0	3	3
Firearms/Toolmarks	84	185	5	73	14
Latent Prints	128	275	0	60	8
Microscopy	9	24	0	11	2
Biology	70	134	0	55	3
Toxicology	29	71	1	13	10
Trace Chemistry	37	103	0	27	11
Footwear/Tire Tracks	13	18	3	9	6
Total	685	1,499	10	339	206
Source: Forensic Services Command QA Annual Report 2007.					

ISP is not conducting site visits as required by ISP’s Quality Manual and QA Program. Quality Review Coordinators conducted only two site visits in the last three years. The Quality Manual requires site visits to all the labs **at least once** during a Quality Review Coordinator’s term, which is two or three years depending on discipline. For example, a lab providing all 10 forensic services should be visited at least 10 times during a 3-year period. According to the Director of the QA Program and the information contained in the QA Annual Reports, these site visits are not being conducted **due to budget constraints**, specifically in the area of travel. However, DFS **lapsed** GRF travel funding in FY05-FY07 totaling over \$14,000.

LAB SITE VISITS	
RECOMMENDATION NUMBER 8	<i>The Illinois State Police’s Division of Forensic Services should conduct site visits of forensic labs in accordance with its Quality Manual.</i>
ILLINOIS STATE POLICE RESPONSE	<p>Site visits had been suspended during part of the period of this audit due to FSC restrictions regarding the use of travel funds; these limited funds were reserved for court testimony travel and were not available for routine site visits. However, laboratory managers and quality managers, as well as the Director of Quality Assurance were closely monitoring quality through the other mechanisms within the FSC’s Quality Assurance program such as through various external audits, internal audits, and other means. ISP does concur with this recommendation and will ensure site visits are conducted in accordance with the Quality Manual.</p> <p>When deferring analysis on extra exhibits in a case, ISP laboratories will not knowingly take any action which will jeopardize the case. ISP does recognize this can be frustrating to some user agencies, and so labs ensure decisions are fully explained whenever questions arise. Special circumstances are always considered and ISP relies on effective communications with the user agencies to be certain needs are met. The OAG report states 5 out of 49 respondents identified an issue. At least one of those comments had nothing to do with the laboratory system.</p>

External Review Process

External reviews of ISP’s forensic operations also ensure compliance with professional standards by monitoring service and requiring remediation of issues. External reviews include ISO accreditation reviews and other external assessments. For example, to maintain ISO accreditation, ISP must have an ISO audit every four years (and show remediation of findings), an on-site visit every two years, as well as annually submit documents to the accrediting body to show its compliance with any changes in standards that occurred in the past year. ISP also undergoes external grant assessments every two years as well as other external reviews.

The Illinois State Police Forensic Sciences Command has been the subject of various external reviews. These reviews, described in Exhibit 3-12, were conducted by federal grant monitoring bodies, external standards review entities, and an Illinois Lab Advisory Committee.

Exhibit 3-12 QUALITY ASSURANCE EXTERNAL REVIEWS	
Reviews Conducted	
ISO Accreditation Assessment (FQS-I)	4 year cycle. Conducted by assessors affiliated with FQS-I. Remediation required of instances of non-compliance of standards. Additional site visit every two years.
ASCLD/LAB Accreditation Assessment	5 year cycle. Conducted by assessors affiliated with ASCLD/LAB. Remediation required of instances of non-compliance of standards.
NIJ Grant Progress Assessment Program	2 year cycle. Grants are assessed by the National Institute of Justice through routine, scheduled site visits.
NIJ-NFSTC DNA Audit	2 year cycle - optional to labs to satisfy/supplement external DNA audit requirements. Conducted by National Forensic Science Technology Center often in conjunction with the grant progress assessments.
Illinois Laboratory Advisory Committee Annual Report	Annual recommendations regarding more efficient use of State labs, staffing and funding, and accreditation and quality assurance pertaining to professional standards.
NIJ-NFSTC Assessment of ISP’s Forensic Biology and DNA services	Funded by NIJ. Study of efficiency of Forensic Biology/DNA services.
Source: OAG summary of ISP data.	

Quality Assurance Issues

The Quality Assurance Procedures can result in Minor Issues (issues which would not deter or have any effect on the adjudication process) or Issues Affecting Cases (issues which would effect adjudication). Exhibit 3-13 summarizes the results of the quality assurance procedures for 2007.

During 2007, 185 minor issues were reported in the various disciplines through the Quality Assurance program. This is a decrease from 220 in 2005 and 204 in 2006. These minor issues can be as innocuous as misspellings and pagination issues to dates of analysis being incorrect. Other minor issues include: improper cross outs, evidence description being different than evidence and missing information from reports.

Twenty-three issues that could affect the adjudication of the evidence analyzed were found during the Quality Assurance testing in 2007. This is an increase from 9 in 2005 and 13 in 2006. These issues included failure to identify certain fluids to results changed from inconclusive to identification. However, to

Exhibit 3-13 QUALITY ASSURANCE ISSUES IDENTIFIED 2007		
Section	Minor Issues	Issues Affecting Cases
Drug Chemistry	65	2
DNA	14	0
Documents	0	0
Firearms/Toolmarks	8	5
Latent Prints	2	4
Microscopy	13	0
Biology	63	8
Toxicology	0	1
Trace Chemistry	16	0
Footwear/Tire Tracks	4	3
Total	185	23
Source: Forensic Services Command QA Annual Report 2007.		

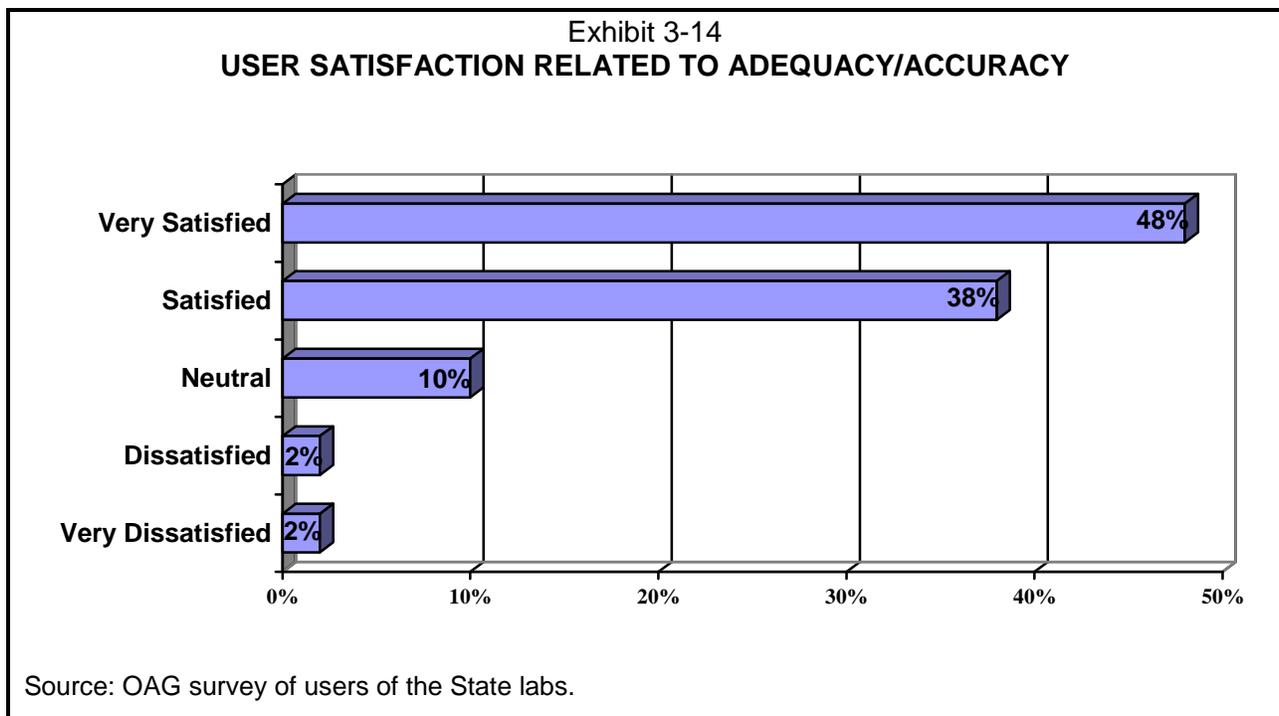
DFS’s credit, more quality assurance cases have been initiated to respond to quality issues. DFS initiated 46 in FY05, 71 in FY06, and 94 in FY07.

Monitoring of Quality Issues that Arise

ISP can take corrective action for quality concerns by issuing a Quality Issue Report (QIR). A QIR form is utilized to follow the progress of remedial/corrective action taken to resolve a quality issue, and serves as a record of the actions taken. To ensure ISP is properly resolving quality concerns that arise, we sampled 45 of the 211 QIRs opened during FY05-FY07. If the QIR case was substantiated, we tested to ensure that actions taken were appropriate to remedy the issue. Of the 45 QIR cases we sampled, 34 were substantiated, all of which were followed up on and had an appropriate disposition.

Adequacy or Accuracy of Results and User Agencies

User agencies spoke highly of the accuracy of ISP forensic analyses. Overall, 86 percent of respondents indicated that they were satisfied or very satisfied with the adequacy/accuracy of results while only 4 percent were dissatisfied or very dissatisfied (see Exhibit 3-14).



We asked user agencies if, over the past five years, they had issues with the adequacy or accuracy of the forensic results received from State labs. While 19 percent of respondents indicated a problem with the adequacy or accuracy of results, only 8 percent indicated that adequacy/accuracy problems had negatively impacted a case. For those responding that adequacy/accuracy was a problem, six indicated problems with biology/DNA cases and five indicated problems with drug chemistry cases. Some of the comments received regarding adequacy or accuracy dealt with the number of items tested at the State labs:

**USER AGENCY SURVEY RESPONSES
ACCURACY OF RESULTS**

“They do great work - they just seem to be overworked & understaffed” – Decatur Police Department

“Due to backlogs we have been advised that only 5 items of biological evidence will be tested per case. It is difficult for jurors to convict in a case where financial and time restraints are placed on the development or analysis of probative evidence.” – Peoria County State’s Attorney

“Our office has no issue with the accuracy of lab results, nor have any defense challenges regarding accuracy of test results negatively affected any cases. There is however, a difference of opinion between our office and the lab regarding how much evidence needs to be tested on each case. The laboratory evaluates additional testing based on an already established link between the crime and the defendant, and in many cases, there is evidence that has the potential to provide additional information to the judge/jury, however the lab (due to efficiency and backlog issues) tends to move on to the other cases.” – Cook County State’s Attorney

“The issue we run into relates to the number of samples the lab will test. It tries to limit us to 4 to 5 items for DNA and often times there are many more items that need to be tested. That being said, every time I have asked for additional items to be tested in order to prove a case, the lab has accommodated me.” – McLean County State’s Attorney

Chapter Four

INVESTIGATIONS

CHAPTER CONCLUSIONS

The Paul Coverdell Forensic Improvement Grants Program requires a certification that a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of forensic results. In the proposal for FY07 Coverdell funding, ISP listed two entities to meet the independent external investigation requirement: the ISP Division of Internal Investigation (DII) and the Illinois Office of the Executive Inspector General (OEIG).

DII provided a list of 56 investigations conducted during fiscal years 2005 – 2008 (through April 2008) that involved the Division of Forensic Services. In addition, OEIG provided two reports that involved the Division of Forensic Services. However, although investigations involving the Division of Forensic Services were conducted, **neither investigating entity designated as such by ISP under the Coverdell Program was aware of the Coverdell requirements.** In addition, because DII is part of ISP and because many cases are referred back to the Division of Forensic Services for investigation, it is questionable whether these investigations meet the independent external criteria.

The Division of Forensic Services **could not provide** a list of investigations that met the Coverdell criteria. We reviewed 17 DII investigations conducted during fiscal years 2005 – 2008 that were most likely to meet the Coverdell criteria. Of the 17 DII investigations we reviewed, five involved errors that impacted forensic results. In all five cases, the allegations against the forensic scientist **were sustained.** Where necessary, agencies were notified of the errors through the issuance of amended reports.

Internally, ISP utilizes the Quality Issue Report (QIR) form to assure remedial/corrective action is taken to resolve quality issues. If the review was initiated due to external questions, the agency is to be notified of the results of the review. However, the QIR form does not specifically address whether the agencies were notified of the results of the review at the review's conclusion. One of nineteen QIR cases reviewed did not indicate that the external agency was contacted with the results.

Regional Advisory Board meetings, one of the processes in place to receive feedback regarding quality concerns, **were not being held annually** at two of the eight operational labs as required.

We asked users of the State labs that if they have had problems with lab results, did the State lab first contact them to discuss these problems or did they contact the State lab to discuss these problems. Responders indicated that both situations occurred. Comments were generally positive regarding results when resolving an issue. However, when asked if the State labs have an established procedure to voice any concerns or issues regarding forensic services, 49 percent

(24 of 49) of the respondents answered yes that there was a procedure with the remainder answering no or not sure if there was a process in place.

INTRODUCTION

House Resolution 451 asked us to determine the parties responsible and the process used for conducting investigations of allegations against forensic scientists. The Resolution also asked us to determine the process in place to respond to questions of adequacy and accuracy of forensic results as well as the process for disclosing identified problems to interested parties. This chapter examines these issues.

PROCESS TO RESPOND TO QUESTIONS OF ADEQUACY AND ACCURACY

Questions of adequacy or accuracy of services can arise both internally and externally. ISP has processes in place to respond to these questions.

ISP’s Internal Process for Quality Concerns

The quality of services for both the lab as a whole and the individual analysts are monitored continually through administrative reviews. If a quality issue is identified, ISP utilizes the Quality Issue Report (QIR) form to assure remedial/corrective action is taken to resolve the quality issue. A QIR can be initiated through the internal quality review process or because of questions raised by external parties. The Director of Quality Assurance maintains a log of all reports and monitors the progress.

The QIR is used to describe the issue and how the issue was identified. The action required to resolve the issue is outlined and then the action taken is explained as well as whether the issue was resolved. The QIR also notes whether the issue was substantiated or not substantiated. If the QIR was initiated because of questions raised by external parties, ISP’s practice is to notify the party of the results of the review.

Results from Testing Quality Issue Reports

We tested a sample of 45 QIRs from a total of 211 QIRs during fiscal years 2005-2007. As part of that sample, we examined 19 that were initiated as a result of external questions. External questions came from a range of users, including state’s attorneys, police departments, and coroners. For example, one report was initiated because a police department questioned the results of a DNA analysis. The police department indicated that a different crime lab reviewed the report and arrived at different conclusions. In another example, a State’s Attorney questioned the type of controlled substance listed in the ISP report. The ISP report inadvertently stated cannabis instead of cocaine.

For the QIRs we tested, the external notification process was fairly uniform. Typically an external agency would directly contact an ISP crime lab questioning results or seeking confirmation on results that had been reported. Once the contact was made, a QIR was issued by

ISP which initiated a review of the case in question. In most instances, a case review or reanalysis was conducted and, if necessary, an amended report was issued.

In nearly all cases, the agency that initially contacted ISP was notified of the results of the review. This notification was documented in either the QIR, other documentation that accompanied the QIR, or in the case file. However, of the 19 QIRs initiated due to an external question, one did not indicate that the external agency was contacted with the results. In this case, a private crime lab reviewed ISP’s report and arrived at different conclusions related to the DNA profile. A local police department contacted the ISP lab questioning the conflicting interpretations. ISP conducted a case file review and reached the same conclusions as originally reported by ISP. However, neither the QIR file nor the case file contained evidence that the local police department was contacted after ISP completed its review.

The QIR form contains information on whether external agencies were notified at the beginning of the review. However, the QIR form does not specifically address whether the agencies were notified of the results of the review at the review’s conclusion. ISP could revise the QIR form to ensure this notification is made, including the date the notification was made and who specifically was contacted.

NOTIFYING EXTERNAL AGENCIES WITH RESULTS OF REVIEWS	
RECOMMENDATION NUMBER 9	<i>The Illinois State Police’s Division of Forensic Services should notify external agencies of the results of reviews in all cases where the review was initiated because of a question from an external agency. ISP should consider revising the Quality Issue Report to ensure that this notification is made and documented.</i>
ILLINOIS STATE POLICE RESPONSE	The external agency is always notified at the onset of the quality issue when appropriate. The ISP agrees it is a good idea to ensure an external agency is notified of the resolution to a concern that agency raised. ISP concurs with this recommendation and is already in the process of revising the QIR form to include documentation of this notification.

ISP’s External Process for Quality Concerns

ISP has a number of processes in place to receive feedback regarding quality concerns. ISP officials stated that each lab will respond to questions concerning that lab. When necessary, a QIR would be issued by the Director of Quality Assurance. Regional Advisory Boards and a Quality Assurance Questionnaire are intended as a means for users of the State labs to provide feedback.

According to ISP’s Quality Manual for the Division of Forensic Services (Policy QM-16 Customer Satisfaction), the Quality Assurance Questionnaire is to be sent to the user agencies along with the lab reports. The Quality Assurance Questionnaire is designed to elicit responses about how an individual employee interacted with a user agency in a particular case. Although intended to elicit responses from user agencies, the Quality Assurance Questionnaire is not currently used by ISP. ISP provided auditors with a newly revised questionnaire titled “Quality

Assessment Survey.” An ISP official stated that the revised questionnaire would soon be sent out with lab reports.

According to the Division of Forensic Services’ Quality Manual (Policy QM-16 Customer Satisfaction), the Regional Advisory Boards were formed in an effort to 1) ensure that the primary users of the labs have direct input into the services provided, and 2) assist the labs in meeting the needs of the Illinois criminal justice community. The Quality Manual states that meetings occur annually and are chaired by the Lab Director.

ISP provided the most recent meeting minutes for the Lab Advisory Board meetings. Regional Advisory Board meetings were not being held annually at two of the eight operational labs:

- Westchester Lab – According to ISP officials, the Westchester lab has not held a meeting since 2004. The minutes from that meeting could not be located. ISP did provide minutes from a meeting held June 3, 2003. Representatives from three agencies were present in addition to representatives from the forensic lab and from the ISP.
- Southern Illinois Lab – According to ISP officials, the Southern Illinois lab has not held a meeting since 2004. ISP provided minutes from the meeting held February 20, 2004. Five representatives from external agencies were present at the meeting in addition to representatives from the forensic lab and from the ISP.

Meeting minutes from the other labs were provided which showed that meetings were held within the last year. According to ISP officials, the Forensic Science Center at Chicago holds more frequent meetings, including monthly meetings with the Chicago Police Department and periodic meetings with the Cook County State’s Attorney. The Springfield R&D Lab does not have a regional advisory board.

Not holding annual Advisory Board meetings at the two labs mentioned earlier could result in users of those labs not having a means of providing direct input into the services provided. The lack of meetings could also affect the ability of the labs in meeting the needs of the Illinois criminal justice community.

Another means of providing feedback is through court cards. Court cards are to be made available to the prosecuting attorney and the defense attorney as well as the judge presiding over the case. The court cards ask the respondent to evaluate the forensic scientist’s performance when providing testimony in a court proceeding. We reviewed all court cards from calendar years 2005 – 2007. A high majority of the court cards reviewed were filled out by the state’s attorney or assistant state’s attorney. Most cards were positive. For cards that indicated a potential problem, documentation showed that follow-up was conducted to investigate the issue.

QUALITY ASSURANCE QUESTIONNAIRE AND REGIONAL ADVISORY BOARD MEETINGS	
RECOMMENDATION NUMBER 10	<i>The Illinois State Police’s Division of Forensic Services should ensure that the Quality Assurance Questionnaire is utilized to obtain feedback from user agencies and that the Regional Advisory Boards meet at least annually as required in its Quality Manual.</i>
ILLINOIS STATE POLICE RESPONSE	As noted in the body of this OAG report, the DFS had been in the process of revising the old questionnaire. The revised Quality Assurance Questionnaire was distributed to user agencies for feedback on the drug chemistry section beginning in June 2008. Surveys focusing on every forensic discipline will be distributed by DFS over the course of each year, with appropriate follow-up on identified concerns taken. As noted in the ISP response for Recommendation Number 7, a special effort will be made to contact each entity that responded to the OAG’s survey for further information and follow up on their specific comments and concerns. Since late 2008, the DFS has also been working with the Regional Institute for Community Policing (RICP) to develop an additional user survey. This tool, anticipated to be distributed in early 2009, is designed to help DFS in its efforts to improve efficiency yet still meet user agency needs. Regional Laboratory Advisory Board meetings are also recognized as an effective means for additional input. The new SIFSC laboratory director did hold a Laboratory Advisory Board meeting in June 2008. ISP will take steps to verify those are being conducted by each laboratory at least annually. The ISP concurs with this recommendation.

Results from Survey of Users

We surveyed users of the State labs to obtain their feedback on contact with the State lab personnel. We surveyed 50 users including state’s attorneys, police departments, sheriff’s departments, and public defenders. We asked if they have had problems with lab results, such as with timeliness or accuracy, and whether the State lab first contacted them to discuss these problems or whether they contacted the State lab to discuss these problems. Exhibit 4-1 shows the results of our survey. Of the responders to our survey, 47 answered this question with one responder marking two of the categories. Results showed that 27 percent of respondents contacted the State lab about problems and 25 percent of respondents said that they both contacted the State lab and the State lab contacted them.

Exhibit 4-1 USER SURVEY RESULTS REGARDING WHETHER THE STATE LAB OR THE AGENCY INITIATED CONTACT TO DISCUSS PROBLEMS		
Category	Responses ¹	Percentage
State lab contacted the agency	4	8%
Agency contacted the State lab	13	27%
Both-State lab contacted agency and agency contacted State lab	12	25%
Neither-agency had problems but had no contact with the State lab	1	2%
Not Applicable	18	38%
Total responses	48	100%
<p>¹47 responders answered this question. One responder marked both “We contacted the State lab” and “Neither” indicating both situations occurred.</p> <p>Source: OAG survey of users of the State labs.</p>		

The results indicate that if an agency suspects a problem, it contacts the State lab, or if the State lab identifies a problem, staff contact the agency. Following are specific comments received from the user surveys:

USER AGENCY SURVEY RESPONSES CONTACTS WITH STATE LABS
<p><i>“...any problems brought to the attention of the Illinois State Police Forensics Lab are quickly resolved...” – Chicago Police Department</i></p>
<p><i>“I have spoken several times to the director of the Metro East Lab about timeliness issues. We believe they are doing it the best they can but they do not have enough people to do it any faster.” – St. Clair County Sheriff’s Department</i></p>
<p><i>“One additional area we feel could be improved is when an analyst has a timeline for case results that has been agreed to, but for various reasons, the analyst is not able to meet that timeline. In some cases, the timeline passes with no call from the analyst stating that the timeline can be met. In some cases, trial dates are established based on the agreed timeline and therefore late notice of the case not being completed causes judges to become frustrated with the prosecutor on the case. It is requested that analysts be more proactive in contacting our office when timelines cannot be met.” – Cook County State’s Attorney</i></p>
<p><i>“One of my assistants spoke to ... the Westchester Lab about the timeliness of DUI kit results. My assistant suggested the lab prioritize cases where the defendant is in custody. She was told that there is not currently a system in place to alert the lab about in custody cases.” – DuPage County State’s Attorney</i></p>
<p><i>“All contact with lab has been for clarification and/or trial prep and has been positive.” – Jefferson County State’s Attorney</i></p>

We also asked users whether, to their knowledge, the State labs have an established procedure to voice any concerns or issues regarding forensic services. Forty-nine percent (24 of 49) of the respondents answered yes, 43 percent (21 of 49) answered no, 6 percent (3 of 49) were not sure if there was a process in place, and one respondent indicated not applicable. Following are specific comments received from the user surveys regarding the procedure to voice concerns:

**USER AGENCY SURVEY RESPONSES
ABILITY TO VOICE CONCERNS**

“Any time there has been some type of problem, I speak with the Assistant Lab Director at Rockford and we work the problem out.” – Elgin Police Department

“Unsure if there is a State lab procedure - usually contact made through State’s Attorney’s office to address lab concerns.” – Evanston Police Department

“The State Lab has participated in monthly meetings with representatives of the Chicago Police Department Detective Division and CPD Forensic Services for this express purpose.” – Chicago Police Department

“Our dept is invited to monthly meetings and we are free to pick up the phone at any time.” – Joliet Police Department

“It seems as if, it is an unofficial process. Personnel have been very receptive to meeting with us regarding issues. I have found it is very helpful to both parties when attending scheduled meetings. Phone contact is some what difficult. I suggested e-mail as a means of communication (on routine issues).” – Will County Sheriff’s Office

“Overall we have a good rapport with lab personnel. Problems have been addressed through lab director.” – Mt. Vernon Police Department

“I feel comfortable picking up the phone and calling to discuss any issues - we have an excellent rapport with the lab.” – Carbondale Police Department

“The laboratory is willing to meet with our office to discuss concerns and issues at our request. Although the communication is good, action seems to be lacking specifically in regards to working cases quicker. Discussions regarding rush analysis requests are successful for the most part, but as stated earlier, our office is looking to have lab results on all cases quicker so informative decisions can be made regarding charging.” – Cook County State’s Attorney

“I don t know if they have an established procedure, but we have always been able to speak to someone to voice our concerns. I have been pleased w/ the accessibility of the lab directors.” – Kankakee County State’s Attorney

“Hold meeting w/ lab personnel, prosecutors, law enforcement to discuss evidence submitted and analysis to be performed. This works very well.” – Sangamon County State’s Attorney

INVESTIGATIONS

The Paul Coverdell Forensic Science Improvement Grants Program awards funds to states and units of local government to help improve the quality and timeliness of forensic science and medical examiner services. To request a Coverdell Program grant, an applicant must submit, in addition to all other required documents, a certification that:

A government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of forensic results committed by employees or contractors of any forensic laboratory system, medical examiner’s office, coroner’s office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.

ISP’s Investigating Entities

In the proposal for FY07 Coverdell funding, ISP listed two entities to meet the independent external investigation requirement: the ISP Division of Internal Investigation and the Illinois Office of the Executive Inspector General.

Division of Internal Investigation

ISP’s Division of Internal Investigation (DII) conducts internal investigations into allegations of misconduct. Investigations cover a wide range of issues and would include allegations of serious negligence or misconduct affecting the integrity of forensic results. DII investigations are generally initiated by a complaint being filed against an ISP employee. Complaints can be generated either internally or externally. Cases that are reviewed through ISP’s Quality Assurance process could also be investigated by DII. According to an ISP official, DII looks into every complaint that is received and conducts investigations as warranted.

DII has a policy in place for conducting investigations. Investigations include gathering appropriate evidence and conducting interviews. At the conclusion of the investigation, DII determines whether the allegation is sustained, not sustained, or unfounded. If the allegation is sustained, the type of discipline is recommended which includes suspensions and reprimands.

Illinois Office of the Executive Inspector General

The Illinois Office of the Executive Inspector General (OEIG) was the other entity named by ISP to investigate allegations of serious negligence or misconduct substantially affecting the integrity of forensic results. The OEIG mission statement asserts that the OEIG is an independent State agency that receives and investigates complaints of fraud, waste, abuse and misconduct, and recommends corrective action. At the conclusion of the investigation, the OEIG completes a report and may make recommendations to the agency.

Investigations Conducted

A DII official we spoke to was unfamiliar with the specifics of the Coverdell requirements but said that DII has conducted investigations involving forensic services. DII

provided a list of 56 investigations conducted during fiscal years 2005 – 2008 (through April 2008) that involved the Division of Forensic Services. Investigations fell into two categories: 1) investigations conducted by DII (20 cases) and 2) investigations referred back to the Division of Forensic Services (36 cases). According to ISP's Complaint and Disciplinary Investigations policy (PER-030), DII will investigate allegations that, if true, would result in discipline greater than summary punishment (two-day suspension). Allegations deemed to be less serious transgressions will be referred back to the referring unit to be investigated.

Like DII, the OEIG was also unfamiliar with the Coverdell requirements. The OEIG did, however, provide two reports that involved the Division of Forensic Services. DII also noted that they work with the OEIG and keep in contact with them to discuss cases but do not work on the same cases.

A nationwide review of the Coverdell Forensic Science Improvement Grant Program found similar problems regarding forensic labs informing investigating agencies of their Coverdell responsibilities. In January 2008 the U.S. Department of Justice issued an overall review of the Coverdell Forensic Science Improvement Grants Program. The review examined all grantees, including Illinois, that received Coverdell money during fiscal year 2006. The review found that there was limited communication between the certifying officials and investigative entity officials about the Coverdell Program certification requirement. Only 47 of 118 certifying officials (40 percent) discussed the Coverdell Program certification with a representative from the investigative entity. Because many certifying officials did not discuss the certification requirement with an investigative entity representative, representatives from 158 of the 231 investigative entities contacted (68 percent) did not know about the requirement.

Not notifying DII and the OEIG that they were named as the investigative entities in the Coverdell grant proposal could have an adverse effect on whether investigations conducted meet the Coverdell requirements. Specifically, the entities need to ensure that investigations are conducted independently and that the entities have the capabilities and resources to investigate allegations involving DNA analysis.

NOTIFYING INVESTIGATIVE ENTITIES OF COVERDELL REQUIREMENTS	
<p>RECOMMENDATION NUMBER</p> <p>11</p>	<p><i>The Illinois State Police’s Division of Forensic Services should ensure that the investigative entities it names to meet the requirements of the Paul Coverdell Forensic Improvement Grant Program are aware that they have been named as the investigative entities and are aware of and meet the investigative requirements.</i></p>
<p>ILLINOIS STATE POLICE RESPONSE</p>	<p>At the time ISP submitted each Coverdell grant application, all grant requirements, including those regarding investigative entities, were met. The Department of Justice review referenced in the body of this audit report did make some recommendations to the Coverdell grant provider regarding establishing new requirements for investigative entities. As a result, ISP understands revisions will be made to future Coverdell grant application forms to reflect these changes and include more detailed requirements. ISP concurs with this recommendation and will ensure it continues to comply with all grant requirements to be able to participate in the Coverdell grant program. Additionally, ISP will ensure the investigative entities involved are aware when a required investigation meets all the Coverdell criteria. To date, the ISP maintains there have been no such investigations required.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 20px;"> <p><i>Auditor Comment #11</i></p> <p><i>Given that when auditors interviewed officials from DII and the OEIG, the two entities designated by ISP as Coverdell investigative agencies, neither official was familiar with the requirements of Coverdell investigations, the auditors stand by their recommendation that the Department should ensure that investigative entities it is designating as Coverdell investigatory entities are familiar with the requirements of the Coverdell grant.</i></p> <p><i>Furthermore, when ISP responds that “To date, the ISP maintains there have been no such investigations required”, ISP appears to making the argument that to be considered a Coverdell investigation, the investigation must <u>substantiate</u> that an allegation of serious negligence or misconduct affected the integrity of the results. That is not the case. The Coverdell requirements do not apply to only substantiated cases, but, rather, <u>allegations</u> of such cases. The Coverdell requirements require “independent external investigations into <u>allegations</u> of serious negligence or misconduct substantially affecting the integrity of forensic results committed by employees”</i></p> </div>

Notifying Agencies with the Results of Investigations

We asked the Commander of Forensic Sciences whether any investigations conducted would fall under the Coverdell requirements (allegations of serious negligence or misconduct substantially affecting the integrity of forensic results) and, if so, to specify which investigations met this criteria. The official could not provide a list of investigations that met the criteria. Instead the official responded that there are some examples; however, no analytical results were impacted.

We reviewed 17 DII investigations conducted during fiscal years 2005 – 2008 that were most likely to meet the Coverdell criteria. Contrary to the Commander's statement, five involved errors that impacted forensic results. In all five cases, the allegations against the forensic scientist were sustained. For two of the cases, the errors were corrected in the case files but had not been reported in a lab report to an agency; therefore, notifying the agencies was not required. For the remaining three cases, the errors were corrected and the agencies were notified of the errors through the issuance of amended reports.

Requirements for Independent External Investigations

The Coverdell Grant Program specifies that investigations must be both independent and external. The OEIG meets the criteria of being independent and external. However, because DII is part of ISP and because many cases are referred back to the Division of Forensic Services, it is questionable whether DII meet these criteria. Of the 56 investigations conducted from fiscal year 2005-2008, 36 cases (64 percent) were actually referred back to the Division of Forensic Services to conduct the investigations.

Of the 17 DII cases we reviewed that were most likely to meet the Coverdell criteria, 14 (82 percent) were referred back to the Division of Forensic Services. While referring cases back to the referring unit follows ISP policy, investigations conducted by the Division of Forensic Services no longer meet the Coverdell criteria for being independent and external.

In addition, one DII investigation that resulted in a 30-day suspension was rescinded after the OEIG looked into the matter. Since DII's findings were disputed by the OEIG, and since ISP rescinded the suspension, this could also call into question the independence of DII's investigation.

The January 2008 report by the U.S. Department of Justice found that for 43 of 231 entities contacted, the processes in place were not appropriate for conducting independent external investigations. In these cases, the report concluded that the investigations were not external and independent because the lab's management or employees were involved in or controlled the investigative process.

INDEPENDENT INVESTIGATIONS	
RECOMMENDATION NUMBER 12	<p><i>The Illinois State Police’s Division of Forensic Services should ensure that investigations into allegations of serious negligence or misconduct substantially affecting the integrity of forensic results are conducted by an external independent entity as required by the Paul Coverdell Forensic Improvement Grant Program.</i></p>
ILLINOIS STATE POLICE RESPONSE	<p>As stated in ISP’s response to Recommendation Number 11, ISP has followed all Coverdell grant requirements to date. The Commander’s comments included in the audit report require clarification to provide the full explanation of ISP’s approach to investigations. When asked by the OAG whether any investigations conducted would fall under the Coverdell requirements, the Commander stated there were no incidents or investigations which met the <u>entire</u> Coverdell criteria (i.e., allegations of serious negligence or misconduct substantially affecting the integrity of forensic results). The Commander did provide examples of serious negligence or misconduct issues, but noted that those did not impact forensic results. Each of these examples was investigated by the Division of Internal Investigation (DII) and not by DFS or laboratory management. For any case in which serious negligence or misconduct is even suspected, DII does not refer those back to DFS; those investigations are conducted by DII, a division independent from the laboratory system. ISP believes this meets the intent of the Coverdell requirement for an independent entity.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p><i>Auditor Comment #12</i></p> <p><i>The Commander’s comments, which ISP states need to be clarified, were actually provided by the Commander <u>in writing</u> in response to a written question. The Commander wrote “I believe there are some examples where DII investigated allegations of serious negligence or misconduct which had the potential to substantially affect the integrity of results. However, after investigation by DII as well as analytical work performed by our quality assurance program, no analytical results were impacted.”</i></p> <p><i>In the above quote, the Commander clearly wrote that she believed <u>there were examples</u> of cases investigated by DII of allegations of serious negligence or misconduct which had the potential to affect the integrity of the results. These examples would meet the Coverdell requirements which require “independent external investigations into <u>allegations</u> of serious negligence or misconduct substantially affecting the integrity of forensic results committed by employees . . .” An <u>allegation</u> does not need to be substantiated to meet</i></p> </div>

<p>Agency Response (continued)</p>	<div data-bbox="675 195 1313 279" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p><i>the requirements of a case that needs to be investigated pursuant to the Coverdell grant.</i></p> </div> <p>ISP maintains the five cases cited by the OAG in this audit report did <u>not</u> meet the Coverdell criteria since the issue in each case was not serious negligence or misconduct; rather, the issue involved the analytical skills/knowledge each individual possessed to adequately perform the job duties.</p> <div data-bbox="675 516 1313 858" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Auditor Comment #13</p> <p><i>The Coverdell requirements specify <u>allegations of serious negligence or misconduct</u>. ISP maintains that the issues did not involve serious negligence or misconduct but rather analytical skill/knowledge. However this determination <u>could not be made</u> until <u>after</u> the investigation – which happened to be conducted by ISP’s Division of Forensic Services and not an independent external entity.</i></p> </div> <p>The ISP disagrees with the OAG’s interpretation of the circumstances surrounding a rescinded 30 day suspension. While the OEIG has the authority to make recommendations to agency directors, it is within the sound discretion of each agency director whether to accept or reject those recommendations. After reviewing the report in this particular matter, as well as other pertinent documentation, the Director decided to accept the recommendations made by OEIG, not because the agency agreed with the findings, but because we agreed there was an appearance of retaliation and an appearance of a perceived conflict. The decision had nothing to do with the appropriateness of DII’s findings or the independence of DII’s investigation. The employees involved filed a First Amendment retaliation claim under federal law claiming that ISP Defendants took retaliatory action against them after they submitted a letter protesting the awarding of a no-bid contract to NFSTC. On September 20, 2007 the District Court specifically found that Defendants were entitled to rely upon DII’s independent judgment that the involved employees had violated certain Departmental rules regarding secondary employment and conflicts of interest. While ISP concurs with the spirit of this recommendation, we do not believe any additional action is necessary at this time since our current approach already satisfies this Coverdell grant requirement.</p>
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Investigations of Contract Labs

None of the investigative cases we reviewed from DII or the OEIG involved work that was outsourced to contract labs. A DII official stated that they had not conducted any investigations of contract labs but if there were allegations of criminal wrongdoing at a contract lab, then they would get involved. However, the DII official added that they may not have the skill set necessary to determine scientifically whether a case was analyzed correctly.

The January 2008 report by the U.S. Department of Justice discussed the capability of conducting external investigations. The report noted that some entities named by states to conduct investigations did not have the capability to investigate allegations of negligence and misconduct at forensic laboratories if such allegations were referred to it. One entity noted that if the allegation required technical expertise related to DNA, it would not have the capability to respond immediately.

Drug Investigations

In our sample of 45 Quality Issue Reports, three involved missing drug evidence. Two of the cases involved missing evidence (0.1 grams of cocaine and 5.6 grams of cannabis) that was never located. The third case involved cocaine that weighed substantially less upon reanalysis compared to when it was first analyzed. The Quality Issue Report for this case noted that a possible cause for the weight difference was dehydration of the samples because wet cocaine base samples lose moisture weight over time.

We asked ISP whether they investigated the possibility that the drugs were stolen. An official stated that they looked at all aspects of the issue and do studies to see if the drugs were stolen. However, none of the three cases noted above were referred to DII for investigation. A DII official said that DII had not performed any investigations into missing drug evidence. This statement is supported by the list of 56 investigations conducted during fiscal years 2005-2008, none of which involved missing drug evidence.

DRUG INVESTIGATIONS	
RECOMMENDATION NUMBER 13	<i>The Illinois State Police’s Division of Forensic Services should refer cases involving suspected missing drug evidence to DII for investigation.</i>
ILLINOIS STATE POLICE RESPONSE	Consideration is always given to the circumstances surrounding each instance of missing drug evidence to determine whether there is any suspicion of wrongdoing. ISP will ensure all actions taken in this regard will be documented. ISP concurs with the recommendation and when there is any suspicion of wrong doing in such cases, they will be referred to DII for investigation.

Other States

We surveyed 13 crime labs from other states, 2 privately operated Illinois labs, and the FBI to determine whether they receive Coverdell grant funds and, if so, how do they meet the requirement for independent external investigations. Exhibit 4-2 shows the results of our survey for the 13 entities that responded. (Pennsylvania, as well as the two privately operated Illinois labs did not respond to the survey.) All of the respondents except the FBI received Coverdell grant funding. A variety of entities were listed as the entity used for independent investigations. Only four of the states responding indicated that investigations had been conducted.

Exhibit 4-2 RESULTS OF OTHER STATES SURVEY RELATED TO COVERDELL INVESTIGATIONS				
State/Lab	Received Coverdell Funds	Entity Used for Independent External Investigations	Conducted Investigations	# of Investigations
California	Yes	▪ Department of Justice – Professional Standards Group	No	-
Georgia	Yes	▪ Georgia Bureau of Investigation – Office of Professional Standards	Yes	1
Florida	Yes	▪ Forensic Quality Manager; ▪ Florida Department of Law Enforcement (FDLE) Inspector General; ▪ FDLE Executive Investigations Office	Yes	5
Indiana	Yes	▪ Office of the Indiana Inspector General	No	-
Iowa	Yes	▪ National Forensic Science Technology Center	No	-
Kentucky	Yes	▪ Office of the Inspector General	Yes	1
Michigan	Yes	▪ Michigan State Police Internal Affairs Unit	No	-
Missouri	Yes	▪ Missouri Department of Public Safety; ▪ Agency Professional S & DC Division; ▪ Crime Lab Review Commission	No	-
Ohio	Yes	▪ Ohio State Highway Patrol	No	-
Texas	Yes	▪ Texas Forensic Science Commission	No	-
Virginia	Yes	▪ Governor Appointed Forensic Science Board; ▪ Scientific Advisory Committee	No	-
Wisconsin	Yes	▪ Public Integrity Unit of the Division of Criminal Investigation	Yes	4
FBI	No	-	-	-

Source: OAG survey of other crime labs.

Chapter Five

OUTSOURCING

CHAPTER CONCLUSIONS

ISP officials outsource case analysis as part of the ISP's ongoing efforts to reduce the backlog. During the period 2000 through 2007, ISP **utilized seven outside vendors** to provide forensic services. Total State payments to these seven vendors were **over \$16 million**. Most of the contractual forensic services procured were related to forensic biology and DNA analysis.

ISP has established a Quality Assurance program which monitors the quality of analyses done by the contractual labs. Approximately three percent of outsourced forensic biology cases are reworked by ISP for quality assurance after being returned by the outside vendors. Additionally, ISP sends three percent of the total DNA outsourced cases as blind proficiency tests. In these blind proficiency tests, ISP has already worked up the DNA profile on the cases, has the vendors work up the cases, which the State pays for, and ISP then compares the results from the vendor to the known results of its own testing.

Most analyses conducted by contractual labs performing DNA analyses were not completed within the 75 day processing time requirement contained in their contracts with ISP. ISP contracts state *"The Contract Laboratory shall complete analysis of each shipment of forensic casework samples **within 75 days of receipt**. If the Contract Laboratory cannot meet the delivery date(s) for the effort as specified in its proposal, it will be liable to the State to the sum of **\$1,500 per day** not to exceed a maximum of 200 days that such delivery is late unless sum is waived by ISP (emphasis added)."*

During the time period from FY02-FY07, we calculated the number of days it took contractual labs to complete their analysis. We added two additional days to the 75 day requirement to allow for shipping the forensic material to the lab, since ISP's database does not track when the contractual lab received the case from ISP, but rather only has the date sent. We found that from FY02-FY07:

- 16 percent of cases were returned within 77 days from the sent date;
- 53 percent of cases were returned between 78 and 85 days from the sent date;
- 8 percent of cases were returned between 86 and 100 days from the sent date; and
- 21 percent were returned over 100 days from the sent date.

Furthermore, ISP is **not utilizing enforcement provisions** contained in the contracts when time requirements are not met. When we questioned ISP officials regarding the enforcement of the penalty provisions in the contract, ISP responded: "No one contacted can recall who developed this language, when it was developed, or the original idea about how this penalty would be applied and calculated. It is possible it was developed/added by a former employee within the Division of Forensic Services. No documentation remains on this matter." ISP officials stated that to their knowledge they have **never invoked a penalty**.

Forensic Sciences Command monitors whether or not the outsourcing vendors are returning the cases within the 75 day turnaround. According to ISP staff, weekly conference calls between Command and the vendor usually occurred, discussing the status of batches. An ISP official stated ISP sometimes gave approval of the vendor not meeting the 75 day return deadline and later provided examples of this approval.

We also identified **significant delays** between the time ISP received a case, to when it was outsourced to a contractual lab. From a sample of 141 cases, we found:

- The **median** number of days ISP took to send to the vendor for outsourcing was **79**, with a range of 2 days to 1,517 days.
- The **median** number of days from ISP receiving evidence on a case to receiving a report of the results from the vendor was **170**, ranging from 78 days to 1,597 days.

ISP officials noted that before a case can be sent out for analysis, some work must be done on it by ISP forensic scientists. However, the ISP management information system does not capture the number of days this preparation takes. The longer a case submitted by a user agency is at ISP and not being worked, the **less timely its value** in the criminal justice system.

Our review of the procurement process for five contracts ISP awarded for forensic services identified several areas of concern.

- A \$19,800 contract for Quality Assurance testing of DNA samples was awarded after receiving only **two** bids. ISP policy required **three** bids for small purchases. Furthermore, the procurement file contained no award notice or documentation showing which vendor was awarded the contract. According to the ISP Procurement Officer, since it was procured as a small purchase, an award notice is not required.
- A \$612,200 contract for training ISP forensic scientists was awarded by ISP as a sole source procurement. We questioned why these services were not competitively procured. An ISP official stated that this contract was determined to be a sole source procurement and procuring this competitively as a professional and artistic contract was **never discussed as an option**. The procurement file did not contain a justification of the sole source award. Furthermore, documentation showed that the ISP Commander of the Forensic Services Command, at the time, who was in charge of this procurement, had a relationship with the sole source vendor as the president of its Board of Directors. In a March 2004 email, an ISP procurement official stated **“By procuring this training as a sole source we will not be required to disclose any conflicts of interest (emphasis added).”** We identified at least one other potential vendor which had the capability to provide these services.

INTRODUCTION

House Resolution 451 asked us to determine if ISP outsources any of its forensic lab testing and the process for selecting and monitoring those contractors. The Resolution also asked us to determine the practice of contracting out forensic testing to private labs for pending cases in the criminal courts, and the reasoning for such practice. In addition we were to determine the name and address of each private lab contracted by the Illinois State Police for

forensic testing for the years 2000 to 2007 and whether any private forensic labs exist in Illinois which are ASCLD or ISO accredited. This chapter examines these issues.

OUTSOURCING VENDORS

According to documentation provided by ISP, seven outside vendors have been contracted with between 2000 and 2007 to provide forensic services. Exhibit 5-1 provides the name and location of each lab as well as the years each external lab provided services to ISP. Multiple locations are listed for Orchid Cellmark because, contractually, they have to use labs located in certain locations. All seven outside vendors are accredited.

Exhibit 5-1 PRIVATE LABS CONTRACTED BY THE DIVISION OF FORENSIC SCIENCES FY2000 – 2007								
Lab	FY00	FY01	FY02	FY03	FY04	FY05	FY06	FY07
Lab Corporation of America Burlington, NC	X	X	X	X	X	X	X	X
Bode Technology Group, Inc. Springfield, VA	X					X		X
Orchid Cellmark Germantown, MD		X	X	X	X	X		
Orchid Cellmark Nashville, TN				X	X	X	X	X
Orchid Cellmark Dallas, TX							X	X
Reliagene Technologies, Inc. New Orleans, LA						X	X	
Strand Analytical Labs Indianapolis, IN							X	X
Independent Forensics Hillside, IL								X
Paternity Testing Corporation Columbia, MO								X

Source: Documentation provided by ISP.

ISP had formal contracts with 4 of the 7 vendors listed in Exhibit 5-1. According to ISP officials, Lab Corporation of America, Strand Analytical Labs, and Paternity Testing Corporation do very little business with ISP (generally under \$10,000 annually) and thus no formal contract is required. Our review of ISP expenditures showed that during FY00-FY07, Lab Corporation of America was paid \$54,900 by ISP; Strand Analytical \$1,393; and Paternity Testing \$50.

Payments Made to Vendors

From FY00-FY07, ISP paid outsourcing vendors a total of \$16,355,731. The vast amount of forensic outsourcing by ISP is for biology and DNA testing. Exhibit 5-2 details payments made by ISP to vendors for outsourcing.

Orchid Cellmark (Cellmark) is the largest provider of contractual lab services for the ISP. During FY05-FY07, ISP paid Cellmark \$2.8 million from funds appropriated to the Division of Forensic Services. An examination of the contract with Cellmark shows that \$2.1 million in payments to this vendor, for biology/DNA analyses, were also paid from funds appropriated to the Division of Operations. ISP processes federal grant payments, including those for forensic services, through the Division of Administration.

An examination of the FQS-I accreditation website on December 14, 2007, showed that one of the labs contracted with in FY07 had a suspension of its Biology accreditation.

The effective date of the suspension was May 16, 2007. A suspension of an accreditation, or part of an organization’s accreditation, is instituted pending corrective action by the organization or a formal withdrawal of accreditation by FQS-I.

We asked ISP if any of the cases sent to this lab were affected by this suspension. ISP responded that there was no impact whatsoever on any cases because this contract was only for reanalysis of previously worked cases (already completed and reported by ISP labs), sent as part of the QA program. The vendor’s conclusions on these QA cases were consistent with the ISP conclusions. ISP stated that no cases were submitted to this lab after its suspension date.

In August 2005, the ISP terminated a \$7 million contract with another vendor alleging it committed serious errors. ISP asserted the vendor reported it found no sperm in 1,200 of the biological samples Illinois sent to the company. However, when ISP reviewed a sample of 51 of those 1,200 cases, it found sperm present in 11 of them. ISP officials did not allege the vendor incorrectly identified someone as a suspect in a crime. Instead, they said, the vendor failed to recognize the existence of semen that could then have been subjected to DNA testing. ISP had to retest all 1,200 samples – through a contract with another vendor that provided biology/DNA analysis. Payments were withheld from the initial vendor. This vendor would have been paid an additional \$119,985 had all the forensic biology cases they analyzed been deemed satisfactory.

Exhibit 5-2 OUTSOURCING PAYMENTS MADE TO VENDORS FY00 – FY07	
Vendor	Amount
Orchid Cellmark ¹	\$14,616,717
Bode Technology	\$1,651,311
Lab Corp of America	\$54,900
Reliagene	\$25,390
Independent Forensics of IL	\$5,970
Strand Labs	\$1,393
Paternity Testing Corp	\$50
Total	\$16,355,731
Note: ¹ Orchid Cellmark was also paid under the following names: Cellmark Diagnostics, Inc.; Cellmark Diagnostics, Inc. DBA Lifecodes Inc.; Orchid Cellmark Germantown DBA Lifecodes Inc.; Orchid BioSciences, Inc.	
Source: Comptroller data summarized by OAG.	

ISP DNA Case Work Costs vs. DNA Outsourcing Costs

As of March 2008, ISP was unable to provide the actual ISP cost for internally working a DNA case for FY04, FY05 and FY06. We were provided **estimated costs** for ISP internal case work versus actual outsourcing per case costs. As of November 2008, ISP did not have any updated costs or FY07 costs. Exhibit 5-3 provides costs per case to work internally at ISP and through outsourced vendor labs.

When calculating the cost for internally working a case, ISP included salary (including fringes), reagent costs, analyst equipment costs and training costs.

In determining the actual and estimated costs to outsource DNA cases, ISP included **front end and back end** costs. Both front end and back end costs refer to the “cost” to the DNA backlog when ISP forensic scientists are reassigned from normal casework to outsourcing duties.

Exhibit 5-3 ISP INTERNALLY WORKED CASE COSTS vs. OUTSOURCED CASES FY04-06			
	FY04	FY05	FY06
ISP Internally Worked Cost Per Case (Estimate)	\$2,146	\$2,209	\$2,134
Outsourced Cost Per Case (Actual)	\$3,208	\$1,900	\$2,002 ¹
Note: ¹ Estimate – at the time of ISP reporting these numbers, FY06 had not yet ended. As of November 2008, ISP did not have any updated FY06 costs or FY07 costs.			
Source: ISP information.			

Whether outsourcing or working the case in-house, ISP must still receive the evidence, examine it, identify (test for) a body fluid stain or other sample suitable for DNA analysis, and document all activities in case notes. When outsourcing, staff must prepare/package the sample for mailing to the outsourcing vendor lab, mail the evidence, and track the sample through the mail. Because of scientist reassignment to handle the front end of the outsourcing process, five DNA cases would go unworked (increasing the backlog) for every 60 cases outsourced, according to ISP officials.

Back end costs include when ISP scientists must receive and log the evidence back into the lab, conduct a mandatory Quality Assurance (QA) review of the data on every outsourced case, conduct mandatory QA reworks of a percentage of the outsourced cases, identify and upload appropriate data to the CODIS database, handle any subsequent CODIS hits, and issue hit reports on outsourced cases. For every 60 cases outsourced, scientist reassigned to handle the back end of the outsourcing process, 19.5 cases would go unworked (increasing the backlog) according to ISP officials.

For two of the three years compared, based on ISP data, it was more cost effective to outsource cases than to work cases internally. An ISP official explained that costs fluctuate between fiscal years, depending on what contract was in effect at the time, and that the ISP internally worked case costs were estimates only. The official also noted that the actual outsourcing cost figures do not include court testimony costs, which would also add to the overall cost of outsourcing a case. In addition, the outsourcing labs had indicated they were losing money on their outsourcing contracts and/or had requested to increase their prices. According to ISP officials, had they agreed to allow an increase in prices, the costs for FY06

outsourcing would have been much closer to, if not more than, the cost to work the case in-house.

OUTSOURCING GUIDELINES AND MONITORING

ISP has guidelines in place for outsourcing forensic services. The guidelines delineate the types of cases suitable for outsourcing, shipping procedures, and what should be received back from the outsourcing vendor. Forensic Sciences Command (FSC) sends casework to outside labs for analysis as situations warrant. Instances where outsourcing occurs include, but may not be limited to, high backlog situations, need of further expertise, or to provide an analysis not conducted by FSC, and as funding is available.

Once the outsourcing is completed, the outsourcing vendor submits a results report and the evidence is shipped back separately. Verification of receipt is required within two working days. If problems occur, a Quality Issue Report (QIR) is to be completed and the Director of Quality Assurance and the State Wide Technical Leader are to be notified. All QA cases are checked immediately upon return.

Outsourced Case Selection

House Resolution 451 directed us to determine why ISP outsourced forensic testing. We inquired what the reasons were for being outsourced for a sample of 51 cases outsourced in FY05 through FY07.

ISP officials responded that they were sent as part of the ISP’s ongoing efforts to reduce the DNA backlog. The only other cases that are sent to a vendor lab would be cases in which ISP does not provide the needed service/analysis, and these are not tracked by Command. ISP does not have policies on why cases are selected. In asking how it is determined when a case will be outsourced, an ISP official explained that they receive a certain amount of money for outsourcing and Command tells each lab when to send items and how many can be sent. It is done in a rotation among the labs, with usually one lab at a time submitting items. This is also done in order to avoid “bombarding” the outsourcing lab with a large number of cases at once.

Command officials indicated that the selection of cases to send for outsourcing rests with the individual labs. However, during our tour of lab facilities at the beginning of the audit, lab officials indicated that Command makes the decision on which cases are sent to outsourcing. ISP has no formal policy on how to select cases to send to outsourcing vendors.

During our follow up to outsourcing testing, ISP provided auditors with documentation to show how ISP handled situations at outsourcing vendors where contamination issues affected the testing. The documentation showed instances where a detective was contacted to determine the status of the case because the original evidence sent to an ISP outsourcing vendor was consumed and the detective stated the suspect pled guilty and **requested the case be canceled**. In another outsourcing case, a deputy was contacted, explained the **case was suspended** and requested the case be cancelled.

We questioned whether ISP checks with user agencies to determine if a case is still valid prior to sending the evidence to an outsourcing vendor. An ISP official indicated that the percentage of cases that are cancelled based on such lab-initiated communication is low. The official added that, *“trying to keep track of when the contact was made or message was left, awaiting the response after the agency looked into the status, sorting cases for outsource/in-house analysis in accordance with the response, etc. would have impeded the efficiency of the shipping process which had been developed over the years. As a general rule when outsourcing, labs would rely on the last communication they had on each case and decide based on that information whether it was an appropriate case to outsource.”* The State ends up paying for the case analysis even in instances where the user agency classified a case as cancelled.

Without a formal policy delineating the criteria used to determine which cases are outsourced, the State may pay for testing that is not necessary, thereby wasting monies that could have been used on other “valid” cases.

CASE SELECTION FOR OUTSOURCING	
<p>RECOMMENDATION NUMBER</p> <p>14</p>	<p><i>The Illinois State Police Division of Forensic Services should develop a procedure within its outsourcing policy for forensic analysis that delineates who is responsible for case selection so that cases sent for analysis are the most efficient use of State funds.</i></p>
<p>ILLINOIS STATE POLICE RESPONSE</p>	<p>DFS does have guidelines for laboratories to use when outsourcing cases, as well as a general policy about outsourcing; the policy has already been updated to ensure responsibility for case selection is more clearly stated. ISP concurs with this recommendation and will continue to review and modify its practices as necessary to ensure the most efficient use of state funds.</p> <p>When determining which cases to outsource for biology and/or DNA analysis, ISP takes appropriate steps to ensure state or federal funds are being used most effectively. One of these steps may include contacting the submitting agency for a status update on a case being considered for outsourcing. A partial quote by an ISP official is included in the body of this audit report which gives the impression ISP does not use this approach, however, this is inaccurate. In determining the feasibility of routinely contacting agencies immediately prior to outsourcing, the amount of time forensic scientists would be removed from casework to accomplish this must be considered. Because of the size and complexity of the largest law enforcement agencies served by the laboratories, it is often futile to attempt to quickly identify, contact, and get a timely response from the appropriate person who would have the current status of a particular case. This would have to be done for each case targeted for outsourcing and would require the assistance of numerous scientists to accomplish when trying to ship 200-300 cases to the outsourcing vendor. Any delays in the agency response to these inquiries would further delay sending the shipment of cases.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 20px;"> <p><i>Auditor Comment #14</i></p> <p><i>Auditors never stated that outsourcing guidelines were not in place. These guidelines are discussed on page 96 of the audit. Auditors recommended the guidelines delineate who is responsible for outsourcing case selection. ISP now states the policy has already been updated to ensure responsibility for case selection is more clearly stated. If they exist, auditors were never provided with these updated procedures.</i></p> <p><i>During the audit, when asked about contacting user agencies, ISP responded in writing that “Generally, when a lab analyst pulls an <u>older case to work in-house</u>, he/she will first call the agency on that case to determine whether it is still active or if there is any update on court date, etc. When</i></p> </div>

<p>Agency Response (continued)</p>	<p><i>feasible, some labs might also have attempted to make calls to the agencies when pulling older cases to send for outsourcing...” [emphasis added] If, as noted in ISP’s written comment, contacting user agencies generally occurs for older cases worked in-house, auditors question why that same procedure should not be followed for cases that are sent to contractual labs, to help ensure efficient use of State funds.</i></p> <p><i>Finally, the audit report does not recommend that user agencies be contacted every time before a case is sent to a contractual lab, as ISP’s response infers. Rather, the audit simply recommends that an outsourcing policy be developed to help ensure the efficient use of State funds.</i></p>	
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Monitoring

FSC personnel are responsible for executing agreements with outside labs. Additionally, the monitoring of these contracts is also maintained within Command. FSC monitors the contractor labs by any of the following methods:

- use of quality assurance samples mixed in with the actual casework,
- reviewing performance on proficiency tests,
- conducting audits of vendor facilities/operations or,
- reviewing recent audits of the lab.

Use of Quality Assurance Samples - Forensic Biology Reanalysis

Approximately three percent of outsourced forensic biology cases are reworked by ISP for quality assurance after being returned by the outside vendors. Additional cases are reworked if a concern is noted.

From a review of the QA files maintained by the ISP QA Director, we gathered memos regarding forensic biology outsourcing reanalysis. During FY07, ISP was not outsourcing any forensic biology cases to outside vendors. However, during calendar years 2005 and 2006:

- 99 cases outsourced to a vendor lab were reanalyzed. Thirteen percent (13) of the cases reanalyzed by ISP reached conclusions different from those reached by that lab.
- 48 cases outsourced to another vendor lab were reanalyzed. In all 48 cases reanalyzed by ISP, the conclusions reached were deemed accurate.

The outside lab report is forwarded by ISP to the submitting user agency as soon as ISP receives it. Because the actual forensic biology evidence may not be returned to ISP for up to several months later, the QA reanalysis of a percentage of these outsourced forensic biology cases cannot occur until that time. If an agency’s case is randomly selected for this QA reanalysis, the agency receives an additional report from ISP noting the results of that QA review. If the QA reanalysis indicates a quality concern, the agency is notified and appropriate action is taken.

Reviewing Performance on Proficiency Tests - DNA Blind Proficiency Tests

ISP sends three percent of the total DNA outsourced cases as blind proficiency tests. We judgmentally selected 25 DNA outsourced cases (5 per fiscal year from FY03-FY07) in order to ascertain that ISP was confirming accurate test results for the DNA blind proficiency tests. We obtained a copy of the vendor’s lab report and a copy of the ISP QA chart or other documentation showing the QA results were verified and the results of all cases in that batch were accepted. All 25 sampled cases were confirmed by ISP to have been accurately tested by the outsourcing vendor. In addition, we analyzed ISP data from FY02-FY07 to calculate the actual percentage of DNA cases that were sent as blind proficiency tests. We found each year, ISP exceeded three percent. Results are summarized in Exhibit 5-4.

Exhibit 5-4 PERCENTAGE OF DNA CASES AS BLIND PROFICIENCY TESTS FY02-FY07	
Fiscal Year	Blind Test DNA Cases
2002	3.35%
2003	4.58%
2004	4.15%
2005	4.20%
2006	5.49%
2007	3.24%
Source: ISP data summarized by OAG.	

For DNA cases, the contractual lab’s report is forwarded to the submitting agency immediately after ISP verifies the results of the QA cases, which were made up in the lab, for that shipment were correct.

Conducting Audits of Vendor Facilities and Operations

ISP began conducting on-site visits in 2004. ISP officials explained that for one vendor, no visits were made since the vendor had documentation that they were ISO accredited and they were only working QA cases. ISP conducted site visits at two locations for another vendor. During these site visits, ISP officials review procedures manuals, validation studies, audits, and meet with the contract lab officials.

Reviewing Recent Audits of the Lab

Outsourcing contract language specifies that the contract lab must provide, with the bid application, a copy of its most recent external DNA audit report. While testing procurement files, auditors noted copies of these audit reports. Audit review is also conducted at site visits. During a March 2006 site visit to one vendor lab, an ISP official reviewed its ISO (International Organization for Standardization) and DAB (DNA Advisory Board) audit conducted in January 2006. It contained several minor findings. The ISP official commented in the site report that the findings “will be easily corrected and are not technical in nature.”

Grant Program Assessment

Part of the National Institute of Justice’s grant administration and oversight responsibilities include a Grant Progress Assessment (GPA) Program. As part of this program, the June 2006 NIJ’s GPA report on an ISP contract lab’s contract indicated that the vendor had an unqualified analyst performing work on this contract. In its response to the report, ISP officials stated they did not receive any letter or email informing them of this incident and the

vendor had no record of notifying ISP. After the GPA, ISP received a letter from the vendor regarding the incident stating there were some ISP samples analyzed by the individual, but prior to the reports being issued to ISP, the samples were reanalyzed by a second qualified analyst. We asked ISP if this has occurred with any other vendors. An ISP official stated ISP is not aware of any other instance of this occurring. We also inquired if any changes were made to the policies/procedures as a result. Outsourcing **contracts now require** notification regarding a variety of critical items which could affect quality of work or accreditation standards.

TRACKING OF OUTSOURCED CASES

ISP outsourcing vendors were not meeting the required turnaround time for analyses of DNA cases, and therefore were in violation of their contracts. While ISP contracts with the vendors have penalty clauses, ISP doesn't know who inserted those penalty clauses or how to enforce them.

Our review of the agreements in effect showed that there are specific requirements that the external vendors have to meet. For DNA, cases are required to be worked and returned in 75 days. An internal timeliness goal utilized by the ISP labs is a turnaround time of 30 days for all analyses.

According to the contracts with vendors providing biology/DNA analysis for ISP, *“The Contract Laboratory shall complete analysis of each shipment of forensic casework **samples within 75 days of receipt**. If the Contract Laboratory cannot meet the delivery date(s) for the effort as specified in its proposal, it will be liable to the State to the sum of \$1,500 per day not to exceed a maximum of 200 days that such delivery is late unless sum is waived by ISP (emphasis added).”* When asked questions regarding how this penalty would be calculated, ISP responded that “no one contacted can recall who developed this language, when it was developed, or the original idea about how this penalty would be applied and calculated. It is possible it was developed/added by a former employee within the Division of Forensic Services. No documentation remains on this matter.”

FSC monitors whether or not the outsourcing vendors are returning the cases within the 75 day turnaround. According to ISP staff, weekly conference calls between Command and the vendor usually occur, discussing the status of batches. An ISP official stated ISP sometimes gave approval of the vendor not meeting the 75 day return deadline and later provided examples of this approval.

According to the official, at one time, a vendor was unable to hire the people it thought it would be able to hire and consequently processed fewer cases in the allotted time. The ISP official stated that the vendor labs can become overloaded with cases coming in across the country and even if the cases were returned unworked because the vendor could not meet the 75 day turnaround, ISP would not have the ability to work the cases internally any quicker.

We asked if there were any occurrences of ISP not granting approval of a vendor exceeding the 75 day return deadline and if there were any consequences and/or penalties associated with this. An ISP official stated that to her knowledge ISP has never invoked a penalty.

Case Tracking by ISP

The only tracking mechanism for outsourced cases is the ISP “Approach” database. When a case is sent to a vendor as an outsourced case, it is removed from the main ISP forensic database, CALMS.

According to ISP officials, the Approach database was not intended for any other use except for that of their office’s fiscal personnel to track payment of cases.

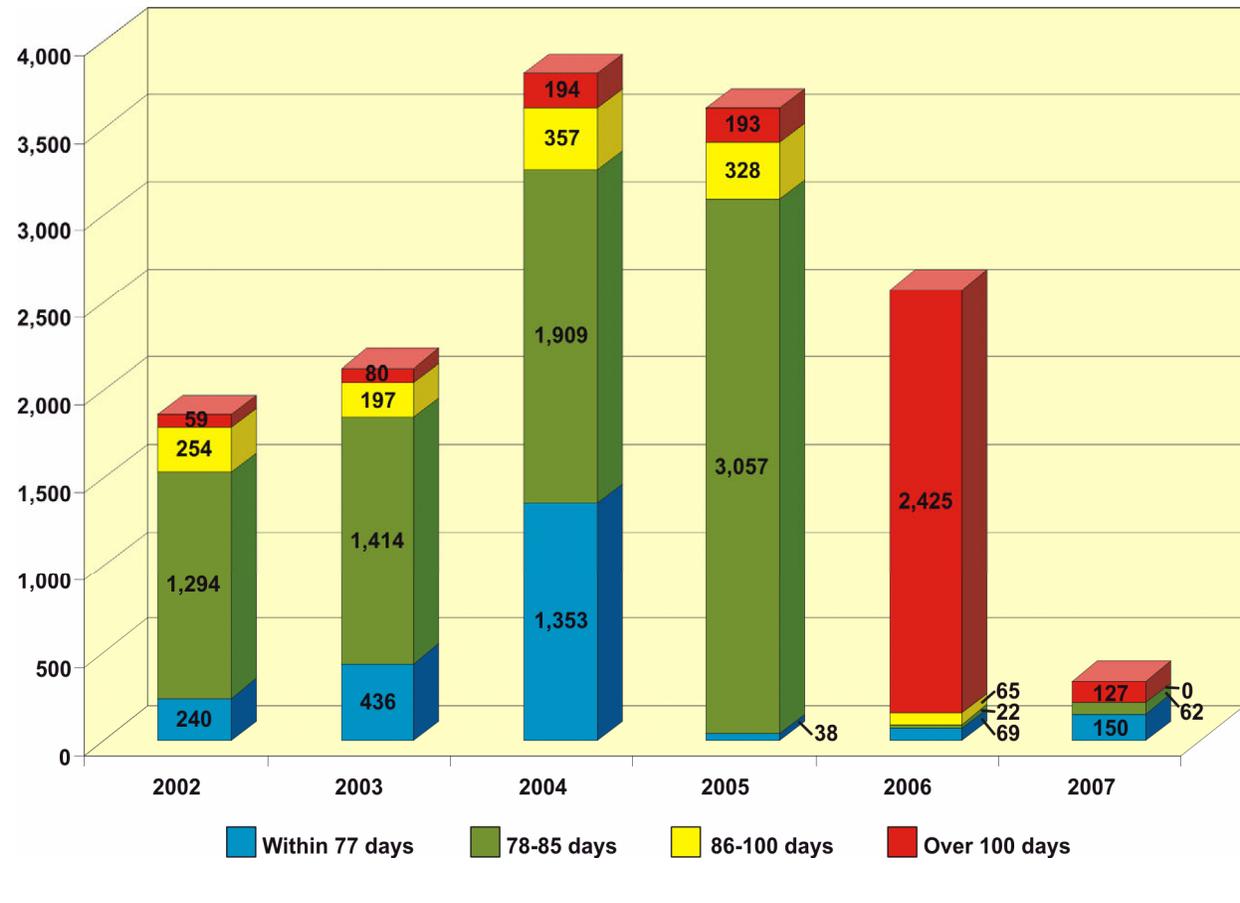
For each case in the Approach database, information maintained includes: ISP case number, ISP lab from which the case originated, the vendor case number for the evidence, the type of case submitted (QA, biology or DNA), the date the case was sent to the vendor, the date the report was received in Command from the vendor, and the cost of the analysis.

For FY02-FY07, the Approach database shows \$12,587,525 for costs of outsourced cases. A breakdown of the number of cases outsourced per year and annual cost appears in Exhibit 5-5. According to ISP, no management reports are generated from this database.

Using the data from ISP’s Approach database, we calculated how many cases were returned to ISP within a 77 day turnaround time. We used 77 days because ISP does not track when the contract lab actually receives the cases. We added two days to the 75 day contract specification because outsourcing contract language dictates that cases are to be shipped to the contract lab via an overnight carrier and the contract lab must confirm with ISP the receipt of samples within 24 hours of receipt. We found that for the six years, only 16 percent of the cases were returned within 77 days from the sent date. However, 53 percent of cases were returned between 78 and 85 days and another 8 percent of the cases were returned between 86 and 100 days. Cases being returned over 100 days from the sent date equaled 21 percent. Results by fiscal year are summarized in Exhibit 5-6. ISP reported that the large number of FY06 cases that took more than 100 days were due to cases being returned unworked by one vendor that were then sent to another vendor to analyze.

Exhibit 5-5 NUMBER & COST OF OUTSOURCED CASES FY02-FY07		
FY	Cases	Cost
2002	1,849	\$2,168,556
2003	2,135	\$2,399,710
2004	3,818	\$4,005,159
2005	3,623	\$1,932,150
2006	2,766	\$1,733,700
2007	340	\$348,250
Total:	14,531	\$12,587,525
Note: Includes lab cancelled cases.		
Source: ISP data summarized by OAG.		

Exhibit 5-6
OUTSOURCING TURNAROUND ANALYSIS
 FY02-FY07



Source: OAG summary of ISP information.

Time Taken to Outsource Cases

ISP has not been timely in sending cases out for analysis. The longer a case submitted by a user agency is at ISP and not being worked, potentially the less its value in the criminal justice system.

According to an ISP official, the CALMS system was developed to use as a management tool to meet resource needs. By the end of 2000, all ISP labs were using CALMS. According to ISP, CALMS is unable to report the amount of time cases take from when scientists can first begin working on them, to the point that they are outsourced.

In order for us to ascertain how long cases may have been waiting at ISP prior to being outsourced, we sampled CALMS data for 151 outsourced cases in order to calculate the number of days between when ISP first received the case, when ISP sent the case to be outsourced, and when the case was concluded. Of these 151 cases, 10 cases were unable to be calculated based

on factors such as the case was too old to have been included in the CALMS system or the case was submitted as part of the QA process.

For the remaining 141 cases, the median number of days ISP took to send to the vendor for outsourcing was 79, with a range of 2 days to 1,517 days. The median number of days from ISP receiving evidence on a case to receiving a report of the results from the outsourcing vendor was 170 days, and ranged from 78 days to 1,597 days. The total cost for these 141 cases to be outsourced was \$115,925.

OUTSOURCED CASES	
<p>RECOMMENDATION NUMBER</p> <p>15</p>	<p><i>The Illinois State Police needs a thorough reporting system in place for tracking outsourced cases. Additionally, the Illinois State Police should ensure the contract deadline of a 75 day turnaround is met. Finally, if it is not met, ISP should either enforce the penalty contained in the contract or document that the penalty has been waived.</i></p>
<p>ILLINOIS STATE POLICE RESPONSE</p>	<p>ISP recognized a concern with the number of old cases on the backlog and implemented an extensive outsourcing program in FY02 as one means to address it. While ISP acknowledges some cases did take significant time between when they were originally submitted to the laboratory and when they were outsourced, the limited CALMS information reviewed by the OAG during their testing of this aspect does not provide complete information. As discussed with the OAG, ISP would never attempt to determine this timeline based solely on CALMS information; a manual review of documentation included in the case file, but not included in CALMS, is required. Documentation such as phone conversations, agency letters, emails or other communications could provide a reviewer with important information which may have been critical in determining when a case could be sent for outsourcing or apparent delays in doing so. Without that information, a reviewer would not know whether there was an extenuating circumstance (e.g., an agency hold, lack of biological standards, a court order, etc.), which prohibited the case from being worked earlier.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p><i>Auditor Comment #15</i></p> <p><i>While the auditors agree with ISP that a review of documentation may be needed to determine the <u>specific</u> reasons why a <u>particular</u> case may have been delayed before being outsourced, <u>documentation does not have to be reviewed to determine there is a systemic timeliness problem when the median time taken to send cases to an outsourced lab took 79 days.</u> Clearly, if cases are sitting at ISP for <u>79 days</u> before being sent to a contractual lab (when, in fact, ISP considers a case to be <u>backlogged</u> if it is more than <u>30 days old</u>), it represents a problem which needs to be monitored and remedied by ISP.</i></p> </div> <p>From the beginning of the outsourcing effort, DFS was able to administer the program through various established means, including a computerized database program. As for the turnaround time of outsourced cases, changes had been made to CALMS in July 2008 which now enable that system to track those cases. ISP does not believe a new system needs to be developed since the combination of the established methods and the recent CALMS changes provides a</p>

<p>Agency Response (continued)</p>	<p>sufficient mechanism to track and report the turnaround time of the cases currently being outsourced.</p> <div data-bbox="673 296 1313 737" style="border: 1px solid black; padding: 5px;"> <p>Auditor Comment #16</p> <p><i>Auditors contend that contrary to ISP’s comment above, DFS <u>was unable</u> to adequately administer its contracting program from the beginning of the outsourcing effort. At the time auditors tested turnaround time, ISP was unable to effectively track the turnaround time. It is also important to know how long, and the reasons why, a case is sitting at ISP before being sent to the vendor. This, as stated by ISP in their response, can only be determined by a “manual review of documentation included in the case file”.</i></p> </div> <p>ISP was monitoring the timeframe from shipping the case to the outsourcing vendor until receipt of the report. Weekly conference calls with the vendor to closely monitor the progress were instituted by ISP due to the delays. DFS agreed to the delays beyond the 75-day contract time frame but did not always formally document that approval. ISP does concur with the recommendation to ensure contract deadlines and will either enforce the late penalty or formally document its waiver in the outsourcing files.</p> <div data-bbox="673 1073 1313 1440" style="border: 1px solid black; padding: 5px;"> <p>Auditor Comment #17</p> <p><i>While ISP says they were “monitoring the timeframe from shipping the case to the outsourcing vendor until receipt of the report,” they were only able to do this “indirectly” and through “internal manual mechanisms,” according to an email from ISP. Once again, being able to efficiently report these timeframes will only help with understanding time lags and enforcing 75-day turnaround contract provisions.</i></p> </div>
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OUTSOURCING PROCUREMENT TESTING

We reviewed the procurement process for five contracts ISP had for forensic services. These five contracts have an estimated financial commitment of \$5,561,591. Results of our review are provided below.

Reliagene Technologies

The Reliagene contract was for QA testing of DNA samples and was procured as a small purchase. According to an ISP official, it was procured as a small purchase because the total

cost of the contract was under \$20,000 (\$19,800). However, in an email from the Director of QA to the vendors solicited for bids, the official discusses having \$25,000 to spend, which exceeds the \$20,000 threshold, and would have required competitive bidding.

The award date for Reliagene **was not documented** in the procurement file. While reviewing the procurement files for the award, no award notice or documentation showing which vendor was selected was found in the file. According to the ISP Procurement Officer, since it was procured as a small purchase, an award notice is not required. In addition, the Procurement Officer explained that there is no official mechanism of notification for awarding a small dollar contract. The Procurement Officer explained that the cost center may have just called the company, explaining the contract would be in the mail.

According to an ISP official, ISP obtained three quotes as required by internal ISP policy, for this small purchase contract and the lowest quote was awarded. However, the procurement file **only contained two bids**, one from Reliagene, and one bid from Orchid Cellmark. The Bode Technology Group was contacted by the Director of QA; however, they declined to bid due to a potential perceived conflict of interest since they have a multi-million dollar contract for outsourced casework.

National Forensic Science Technology Center dba Forensic Quality Services, Inc.

The National Forensic Science Technology Center (NFSTC) was contracted to provide an assessment of the current operations of ISP's forensic science labs against the requirements of the international standards ISO 17025. This contract was for \$114,961, and was **procured as an Invitation for Bid (IFB)**. NFSTC was the only vendor to bid. This contract stated that lab assessments **must be completed** by February 28, 2005; however, the assessments were not held until May 2005. While ISP agreed to allow the vendor additional time, it was **not memorialized in the contract**. Allowing winning vendors to alter their contractual activities may not afford the losing bidders an equal procurement process.

Bode Technology Group and Orchid Cellmark

The Bode Technology Group and Orchid Cellmark were awarded contracts for analysis of forensic biology cases and DNA analysis of forensic casework samples. They were awarded by IFB and the two contracts had a combined maximum contract amount of \$4,814,630. Bode was awarded the casework portion and Cellmark was awarded the offender sample portion. Bode and Cellmark were the only two vendors to bid.

National Forensic Science Technology Center

The National Forensic Science Technology Center (NFSTC) was awarded a contract for training of up to 15 Illinois State Police forensic science employees in biology/DNA analysis. This contract was awarded by ISP as a sole source award and had a maximum amount of \$612,200.

We questioned why ISP did not competitively bid this procurement. The Illinois Procurement Code (30 ILCS 500/1-15.60) defines professional and artistic services as services provided by a person or business qualified by education, experience, and technical ability. The

training of staff to become DNA analysts can not be provided by any vendor without the adequate education, experience and technical ability.

An ISP official explained that this contract was determined to be a sole source procurement in March 2004 and procuring this as a Professional and Artistic contract was **never discussed as an option**. During our review of the procurement file for this contract, we could not find a justification of the sole source award.

Documentation showed that the ISP Commander of the Forensic Sciences Command, at the time, who was in charge of this procurement, also had a relationship with the sole source vendor as the president of its Board of Directors. In a March 2004 email, an ISP procurement official who was conducting a review of the sole source request, noted this fact and expressed his concern that “By procuring this training as a sole source we will not be required to disclose any conflicts of interest.”

When contacted, other states mainly used in-house training for their forensic scientists. However, some mentioned the University of Albany’s Northeast Regional Forensic Institute (NERFI). According to the Director of NERFI, it received a competitively bid contract for in-depth training for the Massachusetts State Police in January 2005. The Director of NERFI stated if there had been a bidding opportunity prior to this and specifically in early 2004, they would have been ready to bid.

ISP forensic lab trainees complained of NFSTC’s lack of equipment to be trained on, stating they had to work in shifts and go back after normal training hours to complete the training. While ISP officials contended that the accelerated training program from NFSTC was one of a kind, the State trainees that attended the academy had differing reports, including:

- Writing an email [to an NFSTC trainer] to express some “concerns our group has over the information contained within module 4. We understand that you were under a lot of pressure to finish the module, but some of the information you gave us is just plain wrong....it is frustrating trying to decipher which information you gave us is correct, and which isn’t, when we are already behind schedule from receiving the module late.”
- In a trainee email to ISP, “We are reminded every day that we are not at ISP....We don’t have enough equipment or enough testing supplies.”
- In another trainee email to ISP, “I feel completely exhausted because I just have not found enough time to complete all required of us at NFSTC. I am finding myself reading all articles, completing lab reports, and recording all info. on memos after work hours.” Another trainee on work outside the regular work day, “...we are ALL putting in 7.5 hours in the lab and an additional 3-4 hours a night on articles and lab notebooks. If this is normal, I guess I didn’t expect it since we were given reasonable assignments in Springfield....The equipment and testing supplies are an issue b/c we don’t know how we are going to get things done with such limited resources.”

OUTSOURCING PROCUREMENT ACTIVITY	
<p>RECOMMENDATION NUMBER</p> <p>16</p>	<p><i>The Illinois State Police should have proper documentation to support awards for small purchases and obtain the required number of bids for outsourcing of forensic services. Additionally, ISP should better document the decision on how a procurement will be awarded, including documentation to justify sole source procurements.</i></p>
<p>ILLINOIS STATE POLICE RESPONSE</p>	<p>ISP maintains that proper documentation did exist in the procurement files reviewed by the OAG to support awards for small purchases. An official award document is not needed for small purchases. Contacting a vendor for a quote counts as a quote whether or not the vendor responds, therefore, the ISP did obtain three quotes.</p> <p>Regarding the National Forensic Science Technology Center (NFSTC) DNA training program, the trainees’ comments and associated narrative in the audit report suggest the quality of this program was below ISP’s high standards. This was not the case. Prior to procuring this contract, the FSC’s Director of Training issued a justification memo on 2-4-04, noting the ISP had previously sent four other individuals through this same NFSTC training program with excellent results and described the training as thorough and rigorous. Additionally, the FBI reviewed this program and certified the program met the stringent Quality Assurance Standards for Forensic DNA Testing Laboratories. In ISP’s experience in training forensic scientists, trainee issues/concerns occasionally occur but are immediately addressed. That was also the case with the issues raised by some individuals in this group of 14 trainees. ISP officials quickly took the necessary action to determine the validity of each of the concerns and addressed or resolved all of them with either the trainees or with the NFSTC and its trainers, as appropriate. Of this group of trainees, two resigned from the ISP for personal reasons and the rest are currently active forensic scientists providing high-quality FB/DNA analysis.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p><i>Auditor Comment #18</i></p> <p><i>ISP contends that the sole source justification was issued 2/4/04. That memo <u>does not show</u> that ISP attempted to identify any other potential vendors that could provide the desired training. In addition, the procurement file shows that NFSTC submitted a vendor response to ISP “to provide a DNA analysis training academy for your new staff members.” This was dated 2/2/04 – two days <u>prior</u> to ISP’s assertion on the sole source justification, and 50 days prior to an ISP email indicating that the Director had decided to go with sole source procurement.</i></p> </div> <p>Additionally, ISP does not agree that the Northeast Regional Forensic</p>

<p>Agency Response (continued)</p>	<p>Institute (NERFI), the entity the OAG suggests may have been able to provide similar DNA training back in 2004, was able to provide such training at the time ISP required it. A review of the information currently posted on NERFI’s website shows their first DNA Academy began in June 2005. In a presentation made at the 2007 American Academy of Forensic Sciences meeting (also posted on the NERFI website), a slide entitled “NERFI History” provides a timeline of their activities regarding the DNA Academy. In that slide, it is not until Spring 2005 that NERFI shows they received federal funding and built the DNA Academy lab. ISP was seeking a DNA training program in early 2004 and training of the group of 14 began at NFSTC in June 2004. ISP was not aware of any other entity that could provide such a training program at that time. ISP did have justification for the sole source procurement of the NFSTC DNA training contract documented in the procurement file reviewed by the OAG. The 2-4-04 memorandum from the Director of Training, referenced in the previous paragraph, was that documentation. CMS approved the sole source procurement.</p> <div data-bbox="673 787 1312 1669" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Auditor Comment #19</p> <p><i>While NERFI may have received federal funding in order to build a new building for the DNA Academy lab in the Spring of 2005, NERFI was completely operational prior to this. According to NERFI’s website, in 2000, the University of Albany and NY State Police established a dedicated training laboratory on the University at Albany East Campus. In addition, in 2004, the University of Albany and NYSP received a National Institute of Justice Grant for training laboratories. As stated in the audit, the Director of NERFI stated, “... if there had been a bidding opportunity...specifically in early 2004, they would have been ready to bid.” ISP states they were not aware of another entity that could provide such a training program at the time they were seeking the training of 14 scientists. Had ISP attempted a competitive procurement for this training contract, instead of awarding it sole source, they likely would have been made aware of another entity being capable. Instead, ISP chose not to undertake a competitive procurement but rather awarded a sole source contract to a vendor that had an ISP Commander as its President of the Board of Directors.</i></p> </div> <p>ISP concurs with the portion of the recommendation regarding better documentation of procurements and will ensure it maintains sufficient documentation regarding sole source procurements. As CMS rules for sole source procurements have changed over the past several fiscal years, ISP’s own processes have been revised to reflect these new requirements regarding sole source procurements.</p>
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OTHER STATES' OUTSOURCING PRACTICES

We surveyed a selection of states to find out whether they outsource their testing to private labs, how they select those labs for outsourcing and what type of monitoring they perform. Their responses are summarized below, in Exhibit 5-7.

Exhibit 5-7 OUTSOURCING OF TESTING TO PRIVATE LABS BY OTHER ENTITIES			
State	Outsource Testing to Private Labs?	How Labs are Selected for Outsourcing?	What Type of Monitoring is Performed on Outsourced Work?
Iowa	No	N/A	N/A
Texas	Less than 10% of workload	Competitive Bidding	Full technical review
Ohio	Less than 10% of workload	Competitive Bidding	Complete case file review; Re-examination as necessary
Indiana	Less than 10% of workload	Competitive Bidding, Sole Source	Inspections; Reviews
Michigan	Less than 10% of workload	Competitive Bidding	5% Reanalysis; 100% Review
Missouri	No	N/A	N/A
Wisconsin	Less than 10% of workload	Competitive Bidding	Visit lab; Known samples inserted with casework; Rework 5%
Virginia	No casework, but do outsource Governor's initiative post-conviction cases	N/A	5% of samples are blind quality control samples; Conducts 100% review of data and reports results
Georgia	Less than 10% of workload	Competitive Bidding	5% Random reanalysis; 100% Peer review
Kentucky	Not Currently	N/A	N/A
Florida	Less than 10% of workload	Competitive Bidding	Quality control samples; Reanalysis
California	No	N/A	N/A
FBI Lab	Less than 10% of workload	Cooperative Agreement	Periodic audits are conducted on cases and annual on-site inspection

Source: OAG summary of state survey responses.

The majority of states surveyed use competitive bidding for selecting outsourcing vendors. ISP generally used invitation for bid and sole source. Regarding the decision for why these contracts were procured as an invitation for bid, instead of professional and artistic, the ISP Interim Chief Fiscal Officer stated in an email, “Basically, you do not have to be a Doctor, have a master’s or even a bachelor’s degree to provide DNA analysis.” However, according to the forensic scientist position specification, a bachelor’s degree in natural or forensic science is required.

OTHER ACCREDITED LABS IN ILLINOIS

House Resolution 451 asked us to determine whether there were any private accredited labs operating in Illinois. We searched and reviewed the websites of the major accrediting bodies – ASCLD/LAB and FQS-I – which provide ASCLD/LAB Legacy or ISO accreditation. We identified three labs in Illinois that were accredited by ASCLD/LAB and a fourth lab which was accredited by FQS-I under ISO certifications. These labs are identified in Exhibit 5-8.

Exhibit 5-8 ACCREDITED LABS IN ILLINOIS		
Lab	Location	Accrediting Body
DuPage County Sheriff’s Crime Lab	Wheaton, IL	ASCLD/LAB
Northeastern Illinois Regional Crime Lab	Vernon Hills, IL	ASCLD/LAB
Drug Enforcement Administration	Chicago, IL	ASCLD/LAB
Independent Forensics	Hillside, IL	FQS-I
Source: OAG review of accreditation websites.		

APPENDICES

APPENDIX A
HOUSE RESOLUTION 451



STATE OF ILLINOIS
NINETY-FIFTH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

House Resolution No. 451

Offered by Representatives Jim Durkin-Jack D. Franks-Arthur L.
Turner-Paul D. Froehlich

WHEREAS, The Illinois State Police Division of Forensic Services oversees the third largest system of crime laboratories in the world, consisting of 9 forensic laboratories providing services to all of the approximately 1,000 law enforcement agencies in Illinois; and

WHEREAS, Accurate forensic laboratory work is critical to establishing the scientific truth of evidence at issue in many criminal cases and erroneous analysis, imprecise laboratory practices and questionable science can lead to the conviction of innocent defendants and the exoneration of guilty ones; and

WHEREAS, In Fiscal Year 2007 more than \$63 million was appropriated for Forensic Services, including increased funds for DNA analysis and capital funds to expand the Chicago Forensic Laboratory; and

WHEREAS, Past sizeable backlogs in DNA testing and State outsourcing to a laboratory reporting a high number of false negatives have raised questions about the timeliness and integrity of results reported by various forensic laboratories; and

WHEREAS, Public Act 93-784, effective January 1, 2005, established an Illinois Laboratory Advisory Committee to, among other things, make recommendations regarding accreditation and quality assurance as it applies to laboratory testing that will be in compliance with recognized International Organization for Standardization and applicable professional standards and to examine ways to reduce laboratory backlogs; and

WHEREAS, Illinois State Police's forensic laboratories are accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB); and

WHEREAS, According to its web site, ASCLD/LAB is a sort of "peer accreditation" program managed by a paid staff working under the direction of a Board of Directors who are elected by

a Delegate Assembly composed of the directors of all accredited laboratories and laboratory systems; and

WHEREAS, Also according to ASCLD/LAB's web site, accreditation is just "one part of a laboratory's quality assurance program which should also include proficiency testing, continuing education, and other programs to help the laboratory provide better overall service to the criminal justice system"; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General is directed to conduct a management and program audit of the Department of State Police's (ISP) Division of Forensic Services; and be it further

RESOLVED, That the audit include, but need not be limited to, the following determinations:

(1) whether the current funding of the ISP forensic laboratories is sufficient, and

if not, what funding the General Assembly must appropriate to meet their needs;

(2) whether current staffing levels are sufficient;

(3) whether ISP's policies, procedures, and protocols for operating its forensic

laboratories are appropriate and conform to professional standards;

(4) the extent to which ISP has addressed past problems of testing backlogs;

(5) if ISP outsources any of its forensic laboratory testing, the process for selecting

and monitoring those contractors;

(6) the adequacy of ISP's quality control processes, particularly with regard to

ensuring the integrity of test results produced by or on behalf of ISP's forensic services division, including but not limited to the accreditation process;

(7) the process in place at ISP to respond to questions or concerns raised about the

adequacy and/or accuracy of results produced by ISP forensic laboratories and forensic laboratories under contract with ISP;

(8) the party or parties responsible for conducting investigations of allegations

against forensic scientists employed or contracted by ISP and whether those persons are independent of the subject or subjects of the investigation and whether those persons comply with requirements set forth in the Coverdell Forensic Science Improvement Grant Program;

(9) the process for conducting investigations and whether that process is adequate;

(10) the process for disclosing identified problems with the conduct of ISP's forensic

laboratories or with the results reported by any of those laboratories to interested parties;

(11) the practice of contracting out forensic testing to private laboratories for

pending cases in the criminal courts, and the reasoning for such practice;

(12) the name and address of each private laboratory contracted by the Illinois State

Police for forensic testing for the years 2000 to the present; and

(13) whether any private forensic laboratories which are ASCLD or ISO accredited exist

in Illinois; and be it further

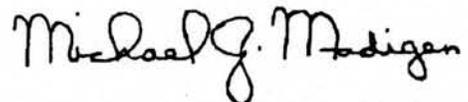
RESOLVED, That the Illinois State Police, its contractors and subcontractors, and any other

entity or person that may have information relevant to this audit cooperate fully and promptly with the Auditor General's Office in the conduct of this audit; and be it further

RESOLVED, That the Auditor General commence this audit as soon as possible and distribute

the report upon completion in accordance with Section 3-14 of the Illinois State Auditing Act.

Adopted by the House of Representatives on June 20, 2007.



Michael J. Madigan, Speaker of the House



Mark Mahoney, Clerk of the House

APPENDIX B
AUDIT METHODOLOGY

Appendix B

AUDIT METHODOLOGY

This audit was conducted in accordance with generally accepted government auditing standards and the audit standards promulgated by the Office of the Auditor General at 74 Ill. Adm. Code 420.310.

The audit objectives for this audit were those as delineated in House Resolution 451 (see Appendix A), which directed the Auditor General to conduct a management and program audit of the Department of State Police's (ISP) Division of Forensic Services. The audit objectives are listed in the Introduction section of Chapter One. The majority of fieldwork for the audit was completed between February and May 2008.

During the audit, we met with ISP staff from the Division of Forensic Services, Division of Internal Investigations, and the Division of Administration. We interviewed the two bodies that have accredited ISP labs; the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB), and Forensic Quality Services-International (FQS-I). We also examined documentation on federal grants for forensic services at the Illinois Criminal Justice Information Authority.

Personnel Sampling

We judgmentally selected and sampled 80 personnel files from the 290 forensic scientists listed on the Division of Forensic Services employee roster dated May 30, 2007, to test qualifications. Our sample included 10 scientists from each operational lab. At each lab, at least one scientist was sampled from each section. A subset of the personnel sample was then combined with a number of management personnel to conduct SAS 99 fraud interviews with a total of 30 employees of the Division of Forensic Services.

User Agency Survey

We surveyed a judgmental sample of 50 user agencies that utilize ISP lab services, including public defenders, state's attorneys and local police departments. Only the Peoria County Public Defender did not respond to our survey. Our selection was based on heavy users of the ISP labs while ensuring coverage of all labs around the State. Our survey was conducted to determine how timely and accurate ISP lab operations were in responding to user agency needs.

Surveyed agencies were: Police Departments in Aurora, Rockford, Elgin, Berwyn, Cicero, Evanston, Chicago, Maywood, Streamwood, Hanover Park, Joliet, Kankakee, Peoria, Bloomington, Rock Island, Decatur, Quincy, Springfield, East St. Louis, Mt. Vernon, Carbondale, and Metropolis; Sheriff's Offices in Will, St. Clair, Cook, and Madison counties; State's Attorneys in Winnebago, Boone, Lake, Kane, Cook, DuPage, Will, Kankakee, Peoria, McLean, Sangamon, Vermilion, St. Clair, Madison,

Jackson, and Jefferson counties; and the Public Defenders in Winnebago, Lake, Cook, Will, Peoria, Sangamon, St. Clair, and Jackson counties.

Other State Survey

Additionally, we surveyed comparable forensic labs in 13 other states and the FBI lab in Washington, DC to compare to ISP forensic labs. We also surveyed the two ASCLD/LAB accredited labs within Illinois. In order to collect information that could be used to compare the ISP crime lab with other crime labs, we sampled states from four categories: a) neighboring states, b) states with populations similar to Illinois, c) states that ISP officials noted as being comparable to the lab system in Illinois, and d) other ASCLD/LAB accredited labs within Illinois.

Surveyed agencies were: the DuPage County Sheriff's Crime Lab, the Northeastern Illinois Regional Crime Lab, the states of California, Georgia, Florida, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Texas, Virginia, Wisconsin and the Federal Bureau of Investigation.

Quality Assurance/Quality Issue Report

We judgmentally selected and sampled 45 Quality Assurance (QA) cases opened during FY05-07. We tested the accuracy of Quality Assurance data reported in its annual reports. We examined ISP's QA documentation to ensure that ISP could support the numbers in the QA report.

CALMS Database Verification

We used a random number generator to select a random sample of 25 cases to ensure the data in the CALMS system matched the paper case file.

Outsourcing

We judgmentally sampled 151 outsourced cases from the Approach database to calculate the amount of time it took ISP to get case samples to an outsourcing vendor for processing. We also judgmentally selected five procurements of forensic services by ISP during the audit period.

APPENDIX C
CASES SUBMITTED BY
TYPE AND LAB
FY02 – FY07

Appendix C
CASES SUBMITTED BY LAB AND TYPE

Lab	Section	FY02	FY03	FY04	FY05	FY06	FY07
Chicago	Drug Chemistry	49,606	47,079	50,748	52,817	51,268	52,356
	DNA	1,124	1,308	1,198	1,604	1,706	1,575
	Documents	4	2	4	5	12	3
	Firearms/Toolmarks	1,748	2,392	3,749	4,036	2,816	2,631
	Biology	2,180	2,894	3,487	4,015	3,640	2,957
	Footwear/Tire Tracks	19	26	29	10	11	15
	Latent Prints	1,907	2,573	2,505	2,166	2,396	2,275
	Microscopy	324	419	313	279	209	232
	Toxicology	7	5	6	3	1	2
	Trace Chemistry	1,122	1,100	1,157	1,039	877	918
Joliet	Drug Chemistry	7,988	7,613	7,723	7,508	7,559	7,973
	DNA	224	361	319	428	522	410
	Documents	51	27	24	10	17	14
	Firearms/Toolmarks	482	530	593	714	645	752
	Biology	443	424	527	535	579	751
	Footwear/Tire Tracks	32	31	42	39	42	48
	Latent Prints	2,206	2,305	2,347	2,524	2,341	2,149
	Microscopy	33	56	49	56	39	46
	Toxicology	231	253	278	246	285	348
	Trace Chemistry	338	307	279	323	291	319
Metro-East	Drug Chemistry	2,094	1,957	2,130	2,231	2,729	2,250
	DNA	202	224	129	301	231	142
	Documents	8	12	13	13	7	10
	Firearms/Toolmarks	536	503	492	605	778	671
	Biology	181	222	208	234	330	225
	Footwear/Tire Tracks	46	42	54	43	54	41
	Latent Prints	1,151	1,065	927	1,209	1,076	1,018
	Microscopy	12	10	11	16	7	8
	Toxicology	8	1	1	3	1	2
	Trace Chemistry	113	96	72	71	98	115
Morton	Drug Chemistry	4,146	3,840	4,157	4,551	5,159	4,867
	DNA	132	116	135	294	264	237
	Documents	6	15	12	7	14	6
	Firearms/Toolmarks	131	127	121	171	373	408
	Biology	197	231	223	292	307	296
	Footwear/Tire Tracks	28	24	31	31	41	26
	Latent Prints	650	703	644	774	868	733
	Microscopy	15	9	16	9	10	19
	Toxicology	34	32	49	50	28	15
	Trace Chemistry	53	62	43	66	68	59
Springfield R & D	Drug Chemistry	0	0	0	0	0	0
	DNA	1	0	0	0	0	1
	Documents	0	0	0	0	0	0
	Firearms/Toolmarks	0	0	0	0	0	0
	Biology	0	0	0	0	0	0
	Footwear/Tire Tracks	0	0	0	0	0	0
	Latent Prints	0	0	0	0	0	0
	Microscopy	0	0	0	0	0	0
	Toxicology	0	0	0	0	0	0
	Trace Chemistry	0	0	0	0	0	0

Appendix C continued							
CASES SUBMITTED BY LAB AND TYPE							
Lab	Section	FY02	FY03	FY04	FY05	FY06	FY07
Rockford	Drug Chemistry	4,573	4,525	4,664	4,553	4,892	4,987
	DNA	138	99	230	256	312	316
	Documents	13	11	20	10	6	8
	Firearms/Toolmarks	345	317	447	501	528	869
	Biology	306	395	369	428	418	473
	Footwear/Tire Tracks	35	56	37	26	40	33
	Latent Prints	1,598	1,587	1,553	1,549	1,598	1,493
	Microscopy	20	10	14	19	9	15
	Toxicology	41	17	24	17	24	22
Trace Chemistry	181	200	135	133	127	140	
Southern Illinois	Drug Chemistry	1,896	1,985	2,303	2,400	2,379	2,094
	DNA	85	89	126	161	154	165
	Documents	7	7	5	13	11	12
	Firearms/Toolmarks	227	169	322	293	257	227
	Biology	106	161	162	159	167	201
	Footwear/Tire Tracks	81	106	103	81	125	77
	Latent Prints	547	558	616	538	558	400
	Microscopy	86	85	101	93	130	121
	Toxicology	63	138	141	139	131	163
Trace Chemistry	43	50	55	48	42	26	
Springfield	Drug Chemistry	4,728	4,669	4,986	5,097	5,130	5,503
	DNA	240	343	249	282	453	517
	Documents	168	155	111	160	131	121
	Firearms/Toolmarks	383	388	339	223	268	366
	Biology	364	388	429	234	417	548
	Footwear/Tire Tracks	48	61	46	68	46	47
	Latent Prints	1,672	1,653	1,575	1,579	1,586	1,636
	Microscopy	0	22	41	0	0	0
	Toxicology	3,022	3,186	3,496	3,369	3,592	3,694
Trace Chemistry	174	185	187	185	215	231	
Westchester	Drug Chemistry	4,877	4,311	4,159	4,779	5,349	5,489
	DNA	1	0	0	0	0	0
	Documents	8	14	10	8	8	6
	Firearms/Toolmarks	329	436	397	428	435	443
	Biology	353	352	378	419	471	491
	Footwear/Tire Tracks	12	15	16	18	24	17
	Latent Prints	1,219	1,091	1,209	1,214	1,280	1,327
	Microscopy	34	27	11	24	39	57
	Toxicology	2,416	2,263	2,284	2,572	2,602	2,516
Trace Chemistry	163	158	160	134	129	160	
Totals	Drug Chemistry	79,908	75,979	80,870	83,936	84,465	85,519
	DNA	2,147	2,540	2,386	3,326	3,642	3,363
	Documents	265	243	199	226	206	180
	Firearms/Toolmarks	4,181	4,862	6,460	6,971	6,100	6,367
	Biology	4,130	5,067	5,783	6,316	6,329	5,942
	Footwear/Tire Tracks	301	361	358	316	383	304
	Latent Prints	10,950	11,535	11,376	11,553	11,703	11,031
	Microscopy	524	638	556	496	443	498
	Toxicology	5,822	5,895	6,279	6,399	6,664	6,762
Trace Chemistry	2,187	2,158	2,088	1,999	1,847	1,968	

Source: ISP Crime Lab Backlog Statistics

APPENDIX D
TOP 100 USERS BY SECTION
CALENDAR 2007

Appendix D
TOXICOLOGY

	Agency	# Cases	% Total		Agency	# Cases	% Total
1	Peoria Co. Coroner	343	5.15%	51	Boone Co. Sheriff	30	0.45%
2	Chicago Police Traffic	291	4.37%	52	ISP District 8	30	0.45%
3	Naperville Police	110	1.65%	53	Macoupin Co. Probation	30	0.45%
4	Fayette Co. Probation	104	1.56%	54	Chicago Heights Police	29	0.44%
5	ISP District 12	95	1.43%	55	Lombard Police	29	0.44%
6	Whiteside Co. Court	88	1.32%	56	Joliet Police	28	0.42%
7	Clark Co. Probation	87	1.31%	57	Vermilion Co. Coroner	28	0.42%
8	Saline Co. Probation	81	1.22%	58	Effingham Co. Sheriff	27	0.41%
9	Normal Police	79	1.19%	59	Peoria Police	27	0.41%
10	Madison Co. Coroner	73	1.10%	60	Williamson Co. Sheriff	27	0.41%
11	Christian Co. Probation	69	1.04%	61	Franklin Co. Sheriff	26	0.39%
12	Coles Co. Probation	69	1.04%	62	ISP District 6	26	0.39%
13	ISP District Chicago	69	1.04%	63	Park Ridge Police	26	0.39%
14	Montgomery Co. Court	65	0.98%	64	Peoria Co. Sheriff	25	0.38%
15	ISP District 11	64	0.96%	65	Tazewell Co. Sheriff	25	0.38%
16	Kane Co. Sheriff	60	0.90%	66	Evanston Police	24	0.36%
17	Skokie Police	59	0.89%	67	Massac Co. Probation	24	0.36%
18	Rockford Police	58	0.87%	68	Glendale Heights Police	23	0.35%
19	ISP District 18	55	0.83%	69	Winnebago Co. Sheriff	23	0.35%
20	ISP District 15	54	0.81%	70	Clay Co. Probation	22	0.33%
21	ISP District 13	53	0.80%	71	Marion Co. Coroner	22	0.33%
22	McLean Co. Coroner	53	0.80%	72	Carbondale Police	20	0.30%
23	ISP District 20	52	0.78%	73	Galesburg Police	20	0.30%
24	McHenry Co. Sheriff	52	0.78%	74	Hinsdale Police	20	0.30%
25	Pike Co. Probation	51	0.77%	75	ISP District 14	20	0.30%
26	Springfield Police	50	0.75%	76	LaSalle Co. Sheriff	20	0.30%
27	Aurora Police	48	0.72%	77	Macon Co. Sheriff	20	0.30%
28	DeKalb Co. Sheriff	46	0.69%	78	Will Co. Sheriff	20	0.30%
29	Cook Co. Sheriff	43	0.65%	79	Algonquin Police	19	0.29%
30	ISP District 19	42	0.63%	80	DeKalb Police	19	0.29%
31	Shelby Co. Probation	42	0.63%	81	Elk Grove Village Police	19	0.29%
32	ISP District 10	41	0.62%	82	Robinson Police	19	0.29%
33	Jackson Co. Probation	40	0.60%	83	Elgin Police	18	0.27%
34	Streamwood Police	40	0.60%	84	ISP District 2	18	0.27%
35	Knox Co. Coroner	39	0.59%	85	Livingston Co. Sheriff	18	0.27%
36	Urbana Police	36	0.54%	86	Whiteside Co. Sheriff	18	0.27%
37	ISP District 5	35	0.53%	87	Bolingbrook Police	17	0.26%
38	ISP District 22	35	0.53%	88	Decatur Police	17	0.26%
39	Champaign Co. Sheriff	34	0.51%	89	DuPage Co. Sheriff	17	0.26%
40	ISP District 9	34	0.51%	90	Fulton Co. Coroner	17	0.26%
41	Quincy Police	34	0.51%	91	Henry Co. Sheriff	17	0.26%
42	Alton Police	33	0.50%	92	Jefferson Co. Sheriff	17	0.26%
43	Champaign Police	32	0.48%	93	Metropolis Police	17	0.26%
44	ISP District 7	32	0.48%	94	Moline Police	17	0.26%
45	Jackson Co. Coroner	32	0.48%	95	Pike Co. Sheriff	17	0.26%
46	Macon Co. Coroner	32	0.48%	96	Rock Island Co. Sheriff	17	0.26%
47	Bloomington Police	31	0.47%	97	Sterling Police	17	0.26%
48	Coles Co. Sheriff	31	0.47%	98	Vermilion Co. Sheriff	17	0.26%
49	Elmhurst Police	31	0.47%	99	Will Co. Coroner	17	0.26%
50	Wheaton Police	31	0.47%	100	Woodford Co. Coroner	17	0.26%
					Top 100 Agency Total	4,235	63.57%
					Command Total	6,662	

Appendix D DOCUMENTS							
	Agency	# Cases	% Total		Agency	# Cases	% Total
1	Dwight Police	7	4.02%	51	DeKalb Co. Sheriff	1	0.57%
2	Warren Co. Sheriff	7	4.02%	52	Downers Grove Police	1	0.57%
3	Bloomington Police	6	3.45%	53	E. Central IL Task Force	1	0.57%
4	Carpentersville Police	4	2.30%	54	Effingham Co. State Atty	1	0.57%
5	Centralia Police	4	2.30%	55	FBI, Rockford	1	0.57%
6	Decatur Police	4	2.30%	56	Freeburg Police	1	0.57%
7	Urbana Police	4	2.30%	57	Freeport Police	1	0.57%
8	Carbondale Police	3	1.72%	58	Girard Police	1	0.57%
9	DeKalb Police	3	1.72%	59	Glendale Heights Police	1	0.57%
10	Harvard Police	3	1.72%	60	Glenwood Police	1	0.57%
11	IDOC Marion	3	1.72%	61	Hancock Co. Sheriff	1	0.57%
12	Lincoln Police	3	1.72%	62	Hartford Police	1	0.57%
13	Mascoutah Police	3	1.72%	63	Henderson Co. Sheriff	1	0.57%
14	Red Bud Police	3	1.72%	64	Highland Police	1	0.57%
15	Spring Valley Police	3	1.72%	65	IDOC Investigations	1	0.57%
16	City of Chicago, IG	2	1.15%	66	IDOC Vienna	1	0.57%
17	DuPage Co. State's Attny	2	1.15%	67	IL Attny General - Spfld	1	0.57%
18	Evanston Police	2	1.15%	68	Dept. Natural Resources	1	0.57%
19	IDOC Pinckneyville	2	1.15%	69	IL Nat. Resources Police	1	0.57%
20	IL Attorney General	2	1.15%	70	IL SOS Dist 4A	1	0.57%
21	IL Board of Education	2	1.15%	71	Dept. Human Services	1	0.57%
22	ISP District 6	2	1.15%	72	Dept. of Revenue	1	0.57%
23	ISP DOO Zone 4	2	1.15%	73	ISP District Chicago	1	0.57%
24	ISP DOO Zone 5	2	1.15%	74	ISP DOO Medicaid Fraud	1	0.57%
25	ISP DOO Zone 7	2	1.15%	75	ISP DOO Zone 5	1	0.57%
26	Leroy Police	2	1.15%	76	ISP DOO Zone 5	1	0.57%
27	Metro-East Auto Theft	2	1.15%	77	ISP DOO Zone 7	1	0.57%
28	No. IL Auto Task Force	2	1.15%	78	Itasca Police	1	0.57%
29	Park Ridge Police	2	1.15%	79	Jackson Co. Sheriff	1	0.57%
30	Quincy Police	2	1.15%	80	Jackson Co. State's Attny	1	0.57%
31	Springfield Police	2	1.15%	81	Joppa Police	1	0.57%
32	Taylorville Police	2	1.15%	82	Kane Co. Sheriff	1	0.57%
33	Winnebago Co. Sheriff	2	1.15%	83	Kane Co. State's Attny	1	0.57%
34	Auburn Police	1	0.57%	84	Kankakee Co. Sheriff	1	0.57%
35	Bartlett Police	1	0.57%	85	Litchfield Police	1	0.57%
36	Batavia Police	1	0.57%	86	Madison Co. Sheriff	1	0.57%
37	Bement Police	1	0.57%	87	Marengo Police	1	0.57%
38	Brighton Police	1	0.57%	88	Marion Co. Sheriff	1	0.57%
39	Brookport Police	1	0.57%	89	Marshall Police	1	0.57%
40	Canton Police	1	0.57%	90	McHenry Co. State's Atty	1	0.57%
41	Cass Co. Sheriff	1	0.57%	91	Metropolis Police	1	0.57%
42	Champaign Co. Sheriff	1	0.57%	92	Mokena Police	1	0.57%
43	Chatham Police	1	0.57%	93	Monticello Police	1	0.57%
44	Chicago Police Unit 650	1	0.57%	94	Mt. Vernon Police	1	0.57%
45	Chicago Ridge Police	1	0.57%	95	Oakbrook Terrace Police	1	0.57%
46	Coles Co. State's Attny	1	0.57%	96	Paris Police	1	0.57%
47	Columbia Police	1	0.57%	97	Park Forest Police	1	0.57%
48	Cook Co. State's Attny	1	0.57%	98	Parkland College	1	0.57%
49	Crawford Co. Sheriff	1	0.57%	99	Pike Co. Sheriff	1	0.57%
50	Crystal Lake Police	1	0.57%	100	Rockford Police	1	0.57%
					Top 100 Agency Total	163	93.68%
					Command Total	174	

Appendix D FIREARMS							
	Agency	# Cases	% Total		Agency	# Cases	% Total
1	Chicago Police Unit 620	471	7.94%	51	Chicago Police Unit 11	24	0.40%
2	Chicago Police Unit 610	392	6.61%	52	LaGrange Police	24	0.40%
3	Cook County Sheriff	371	6.25%	53	Oak Park Police	24	0.40%
4	Rockford Police	227	3.83%	54	Washington Park Police	24	0.40%
5	Chicago Police	201	3.39%	55	Carbondale Police	22	0.37%
6	Chicago Police Unit 640	183	3.08%	56	Hoffman Estates Police	20	0.34%
7	Chicago Police Unit 650	170	2.86%	57	Markham Police	20	0.34%
8	Joliet Police	151	2.54%	58	Melrose Park Police	20	0.34%
9	Cicero Police	116	1.95%	59	Sangamon Co. Sheriff	20	0.34%
10	Peoria Police	115	1.94%	60	Round Lake Beach Police	19	0.32%
11	Springfield Police	85	1.43%	61	Jackson Co. Sheriff	18	0.30%
12	Decatur Police	84	1.42%	62	Will Co. Sheriff	18	0.30%
13	Maywood Police	79	1.33%	63	Centreville Police	17	0.29%
14	Elgin Police	73	1.23%	64	Chicago Police Unit 10	17	0.29%
15	Summit Police	68	1.15%	65	Chicago Police Unit 14	17	0.29%
16	ISP District 15	63	1.06%	66	Chicago Police Unit 193	17	0.29%
17	Berwyn Police	62	1.04%	67	Northlake Police	17	0.29%
18	East St. Louis Police	62	1.04%	68	Alorton Police	16	0.27%
19	Bellwood Police	60	1.01%	69	Chicago Police Unit 253	16	0.27%
20	Aurora Police	59	0.99%	70	Chicago Police Unit 2	16	0.27%
21	Streamwood Police	58	0.98%	71	East St. Louis SAFE	16	0.27%
22	Evanston Police	55	0.93%	72	Evergreen Park Police	16	0.27%
23	ISP DOO Zone 6	52	0.88%	73	McCook Police	16	0.27%
24	Chicago Police Unit 630	48	0.81%	74	Robbins Police	16	0.27%
25	St. Clair Co. Drug Unit	47	0.79%	75	Skokie Police	16	0.27%
26	Harvey Police	46	0.78%	76	Chicago Police Unit 214	15	0.25%
27	Alton Police	45	0.76%	77	Dolton Police	15	0.25%
28	Carpentersville Police	45	0.76%	78	Sterling Police	15	0.25%
29	Freeport Police	38	0.64%	79	Calumet City Police	14	0.24%
30	Winnebago Co. Sheriff	38	0.64%	80	Lyons Police	14	0.24%
31	Chicago Police Unit 6	37	0.62%	81	Niles Police	14	0.24%
32	Chicago Police Unit 7	37	0.62%	82	Rock Island Police	14	0.24%
33	Park Forest Police	35	0.59%	83	Sauk Village Police	14	0.24%
34	Champaign Police	34	0.57%	84	Chicago Police Unit 22	13	0.22%
35	St. Clair Co. Sheriff	33	0.56%	85	Chicago PI Task Force	13	0.22%
36	Mt. Vernon Police	31	0.52%	86	ISP District 5	13	0.22%
37	Chicago Police Unit 3	29	0.49%	87	Matteson Police	13	0.22%
38	Danville Police	29	0.49%	88	Bloomington Police	12	0.20%
39	Kankakee Area MEG	29	0.49%	89	Chicago Police Unit 211	12	0.20%
40	Stone Park Police	29	0.49%	90	Country Club Hills Police	12	0.20%
41	Urbana Police	29	0.49%	91	ISP District 11	12	0.20%
42	Chicago Police Unit 8	27	0.46%	92	ISP Southwestern MEG	12	0.20%
43	Chicago Police Unit 25	26	0.44%	93	Metropolis Police	12	0.20%
44	Franklin Park Police	26	0.44%	94	Alsip Police	11	0.19%
45	Chicago Heights Police	25	0.42%	95	Belvidere Police	11	0.19%
46	Chicago Police Unit 4	25	0.42%	96	Chicago Police Unit 153	11	0.19%
47	ISP District Chicago	25	0.42%	97	Chicago Police Unit 212	11	0.19%
48	Cahokia Police	24	0.40%	98	Galesburg Police	11	0.19%
49	Chicago Police Unit 5	24	0.40%	99	Kane Co. Sheriff	11	0.19%
50	Chicago Police Unit 9	24	0.40%	100	Moline Police	11	0.19%
					Top 100 Agency Total	4,924	82.98%
					Command Total	5,934	

Appendix D

DRUGS

	Agency	# Cases	% Total		Agency	# Cases	% Total
1	Chicago Police Unit 11	2,723	6.13%	51	Joliet Metro Area NARC	175	0.39%
2	Chicago Police Unit 189	2,696	6.07%	52	Chicago Police Unit 212	171	0.39%
3	Chicago Police Unit 15	2,348	5.29%	53	Multi-Co. Narcotic Group	168	0.38%
4	Chicago Police Unit 10	1,388	3.13%	54	Kankakee Area MEG	157	0.35%
5	Chicago Police Unit 253	1,363	3.07%	55	Cicero Police	151	0.34%
6	Chicago Police Unit 25	1,151	2.59%	56	McHenry Co. Sheriff	142	0.32%
7	Chicago Police Unit 7	1,087	2.45%	57	Naperville Police	142	0.32%
8	Chicago Police Unit 6	991	2.23%	58	West Central Task Force	137	0.31%
9	Chicago Police Unit 8	957	2.16%	59	Chicago Police Unit 19	124	0.28%
10	Chicago Police Unit 9	894	2.01%	60	S. IL Enforcement Group	122	0.27%
11	Chicago Police Unit 5	855	1.93%	61	State Line Narcotic Team	112	0.25%
12	Chicago Police Unit 4	812	1.83%	62	ISP DOO Zone 3	110	0.25%
13	Peoria Police	709	1.60%	63	Will Co. Sheriff	110	0.25%
14	Chicago Police Unit 18	641	1.44%	64	Evanston Police	105	0.24%
15	Chicago Police Unit 3	639	1.44%	65	Harvey Police	105	0.24%
16	Cook Co. Sheriff	633	1.43%	66	Rock Island Police	103	0.23%
17	Rockford Police	622	1.40%	67	Ottawa Police	102	0.23%
18	Chicago Police Unit 2	599	1.35%	68	Centralia Police	100	0.23%
19	Chicago Police Unit 14	565	1.27%	69	Peoria Co. Sheriff	97	0.22%
20	Chicago Police Unit 21	524	1.18%	70	Champaign Co. Sheriff	95	0.21%
21	Springfield Police	524	1.18%	71	Galesburg Police	94	0.21%
22	Chicago Police Unit 153	519	1.17%	72	Chicago Police Unit 216	93	0.21%
23	Chicago Police Unit 13	516	1.16%	73	Winnebago Co. Sheriff	92	0.21%
24	Chicago Police	512	1.15%	74	Calumet City Police	90	0.20%
25	Chicago Police Unit 215	480	1.08%	75	ISP District 1	90	0.20%
26	Chicago Police Unit 12	466	1.05%	76	East St. Louis SAFE	89	0.20%
27	Joliet Police	435	0.98%	77	Danville Police	86	0.19%
28	Chicago Police Unit 214	429	0.97%	78	Collinsville Police	85	0.19%
29	Chicago Police Unit 22	406	0.91%	79	Quincy Police	85	0.19%
30	Chicago Police Unit 211	354	0.80%	80	Berwyn Police	79	0.18%
31	Chicago Police Unit 24	339	0.76%	81	Carpentersville Police	79	0.18%
32	Decatur Police	336	0.76%	82	Batavia Police	75	0.17%
33	Elgin Police	336	0.76%	83	Blue Island Police	75	0.17%
34	Chicago Police Unit 16	329	0.74%	84	Macon Co. Sheriff	75	0.17%
35	Chicago Police Unit 17	317	0.71%	85	Central IL Enforcement	72	0.16%
36	Chicago Police Unit 23	297	0.67%	86	ISP Task Force 6	72	0.16%
37	Champaign Police	291	0.66%	87	South Central Task Force	72	0.16%
38	Aurora Police	290	0.65%	88	Chicago Police Unit 213	71	0.16%
39	Bloomington Police	287	0.65%	89	Granite City Police	71	0.16%
40	Chicago Police Unit 20	256	0.58%	90	Wood River Police	70	0.16%
41	Chicago Heights Police	238	0.54%	91	East Alton Police	69	0.16%
42	Chicago Police Unit 1	238	0.54%	92	Kane Co. Sheriff	68	0.15%
43	St. Clair Co. Drug Unit	234	0.53%	93	Oak Park Police	67	0.15%
44	ISP SW Illinois MEG	224	0.50%	94	So. IL Drug Task Force	67	0.15%
45	Mt. Vernon Police	223	0.50%	95	E. Central IL Task Force	66	0.15%
46	Maywood Police	222	0.50%	96	ISP District 9	65	0.15%
47	Chicago Police Unit 193	219	0.49%	97	Carbondale Police	64	0.14%
48	Sangamon Co. Sheriff	195	0.44%	98	Round Lake Beach Police	64	0.14%
49	Urbana Police	185	0.42%	99	Sterling Police	63	0.14%
50	Normal Police	176	0.40%	100	Belvidere Police	60	0.14%
					Top 100 Agency Total	36,866	83.01%
					Command Total	44,411	

Appendix D MARIJUANA							
	Agency	# Cases	% Total		Agency	# Cases	% Total
1	Chicago Police Unit 253	2,991	6.13%	51	ISP District 15	168	0.34
2	Chicago Police Unit 6	2,019	4.14%	52	Urbana Police	166	0.34
3	Chicago Police Unit 4	1,639	3.36%	53	Cicero Police	165	0.34
4	Chicago Police Unit 7	1,607	3.29%	54	McHenry Co. Sheriff	164	0.34
5	Chicago Police Unit 15	1,554	3.18%	55	Sangamon Co. Sheriff	150	0.31
6	Chicago Police Unit 9	1,505	3.08%	56	Peoria Co. Sheriff	140	0.29
7	Chicago Police Unit 3	1,347	2.76%	57	ISP District Chicago	138	0.28
8	Chicago Police Unit 8	1,332	2.73%	58	ISP District 8	136	0.28
9	Chicago Police Unit 25	1,249	2.56%	59	Maywood Police	135	0.28
10	Chicago Police Unit 5	1,197	2.45%	60	Chicago Police Unit 1	128	0.26
11	Chicago Police Unit 11	1,172	2.40%	61	Galesburg Police	120	0.25
12	Chicago Police Unit 153	1,166	2.39%	62	Springfield Police	120	0.25
13	Chicago Police Unit 10	972	1.99%	63	Skokie Police	115	0.24
14	Chicago Police Unit 22	872	1.79%	64	Blue Island Police	113	0.23
15	Chicago Police Unit 24	806	1.65%	65	Champaign Co. Sheriff	112	0.23
16	Chicago Police Unit 14	728	1.49%	66	Park Forest Police	109	0.22
17	Peoria Police	722	1.48%	67	Decatur Police	108	0.22
18	Chicago Police Unit 17	610	1.25%	68	Coles Co. Sheriff	106	0.22
19	Chicago Police Unit 13	604	1.24%	69	ISP District 18	105	0.22
20	Chicago Police Unit 23	599	1.23%	70	ISP District 20	105	0.22
21	Chicago Police Unit 16	579	1.19%	71	Freeport Police	103	0.21
22	Chicago Police Unit 189	525	1.08%	72	ISP District 1	102	0.21
23	Chicago Police Unit 211	507	1.04%	73	ISP District 10	101	0.21
24	Aurora Police	483	0.99%	74	St. Clair Co. Drug Unit	101	0.21
25	Joliet Police	455	0.93%	75	Kankakee Area MEG	98	0.20
26	Chicago Police Unit 12	451	0.92%	76	Kankakee Co. Sheriff	98	0.20
27	Naperville Police	437	0.90%	77	Bellwood Police	95	0.19
28	Chicago Police Unit 2	408	0.84%	78	Crystal Lake Police	95	0.19
29	Cook Co. Sheriff	402	0.82%	79	Bolingbrook Police	94	0.19
30	Chicago Police Unit 215	386	0.79%	80	Berwyn Police	92	0.19
31	Chicago Police Unit 20	380	0.78%	81	Boone Co. Sheriff	91	0.19
32	Rockford Police	364	0.75%	82	Chicago Police Unit 193	91	0.19
33	Chicago Police Unit 18	353	0.72%	83	ISP District 9	91	0.19
34	Elgin Police	338	0.69%	84	Southwestern IL MEG	91	0.19
35	Chicago Police Unit 21	333	0.68%	85	Markham Police	91	0.19
36	Chicago Heights Police	302	0.62%	86	Streamwood Police	90	0.18
37	Normal Police	301	0.62%	87	Des Plaines Police	89	0.18
38	Chicago Police Unit 214	283	0.58%	88	Dolton Police	88	0.18
39	Chicago Police Unit 212	280	0.57%	89	Livingston Co. Sheriff	87	0.18
40	Chicago Police Unit 19	276	0.57%	90	Woodstock Police	87	0.18
41	Mt. Vernon Police	217	0.44%	91	Chicago Police Unit 216	86	0.18
42	Champaign Police	213	0.44%	92	ISP District 11	86	0.18
43	ISP District 2	195	0.40%	93	Justice Police	85	0.17
44	Carpentersville Police	192	0.39%	94	Belvidere Police	84	0.17
45	Harvey Police	189	0.39%	95	Hanover Park Police	84	0.17
46	Round Lake Beach	189	0.39%	96	Will Co. Sheriff	83	0.17
47	Chicago Police	185	0.38%	97	Evergreen Park Police	80	0.16
48	Calumet City Police	183	0.38%	98	Riverdale Police	80	0.16
49	Evanston Police	182	0.37%	99	Litchfield Police	79	0.16
50	Chicago Police Unit 701	171	0.35%	100	Chicago Ridge Police	76	0.16
					Top 100 Agency Total	39,751	81.46%
					Command Total	48,798	

Appendix D
LATENT PRINTS

	Agency	# Cases	% Total		Agency	# Cases	% Total
1	Chicago Police	623	5.43%	51	O'Fallon Police	46	0.40%
2	Chicago Police Unit 620	377	3.28%	52	Ottawa Police	46	0.40%
3	Chicago Police Unit 603	295	2.57%	53	Blue Island Police	43	0.37%
4	Chicago Police Unit 610	272	2.37%	54	Macon Co. Sheriff	42	0.37%
5	Cook Co. Sheriff	215	1.87%	55	Quincy Police	42	0.37%
6	Evanston Police	214	1.86%	56	Boone Co. Sheriff	41	0.36%
7	Elgin Police	195	1.70%	57	Champaign Co. Sheriff	41	0.36%
8	Berwyn Police	182	1.59%	58	Evergreen Park Police	40	0.35%
9	Skokie Police	177	1.54%	59	Naperville Police	40	0.35%
10	Will Co. Sheriff	177	1.54%	60	Arlington Heights Police	39	0.34%
11	Springfield Police	171	1.49%	61	Bolingbrook Police	39	0.34%
12	Chicago Police Unit 650	164	1.43%	62	Lincoln Police	39	0.34%
13	Chicago Police Unit 640	154	1.34%	63	Moline Police	38	0.33%
14	Joliet Police	153	1.33%	64	Park Ridge Police	38	0.33%
15	Urbana Police	152	1.32%	65	Melrose Park Police	37	0.32%
16	Des Plaines Police	146	1.27%	66	Franklin Park Police	36	0.31%
17	Decatur Police	138	1.20%	67	South Holland Police	36	0.31%
18	Freeport Police	135	1.18%	68	McHenry Co. Sheriff	35	0.30%
19	Aurora Police	130	1.13%	69	Morris Police	35	0.30%
20	Oak Park Police	128	1.11%	70	Chicago Heights Police	34	0.30%
21	Cicero Police	120	1.05%	71	Jackson Co. Sheriff	34	0.30%
22	St. Clair Co. Sheriff	118	1.03%	72	Kankakee Area MEG	34	0.30%
23	Park Forest Police	116	1.01%	73	Sangamon Co. Sheriff	34	0.30%
24	Peoria Police	107	0.93%	74	Alsip Police	33	0.29%
25	Danville Police	101	0.88%	75	Palos Heights Police	33	0.29%
26	Hoffman Estates Police	100	0.87%	76	Romeoville Police	33	0.29%
27	Champaign Police	97	0.84%	77	Marion Police	32	0.28%
28	Streamwood Police	89	0.78%	78	Markham Police	32	0.28%
29	Oak Lawn Police	84	0.73%	79	Palatine Police	32	0.28%
30	DeKalb Police	74	0.64%	80	Country Club Hills Police	31	0.27%
31	Alton Police	72	0.63%	81	Harvey Police	31	0.27%
32	East St. Louis Police	72	0.63%	82	Stone Park Police	31	0.27%
33	Chicago Police Unit 630	71	0.62%	83	Normal Police	30	0.26%
34	Niles Police	71	0.62%	84	Richton Park Police	30	0.26%
35	Carpentersville Police	70	0.61%	85	Riverdale Police	30	0.26%
36	Algonquin Police	68	0.59%	86	Rolling Meadows Police	30	0.26%
37	Fairview Heights Police	68	0.59%	87	Collinsville Police	29	0.25%
38	Schaumburg Police	67	0.58%	88	Prospect Heights Police	29	0.25%
39	Winnebago Co. Sheriff	63	0.55%	89	St. Charles Police	29	0.25%
40	Bloomington Police	61	0.53%	90	Centerville Police	27	0.24%
41	Burbank Police	59	0.51%	91	Columbia Police	27	0.24%
42	Madison Co. Sheriff	59	0.51%	92	Lansing Police	27	0.24%
43	Kane Co. Sheriff	58	0.51%	93	Belvidere Police	26	0.23%
44	Matteson Police	53	0.46%	94	Elmwood Park Police	26	0.23%
45	Tinley Park Police	53	0.46%	95	Galesburg Police	26	0.23%
46	ISP DOO Zone 6	48	0.42%	96	Morton Grove Police	26	0.23%
47	No. IL Auto Task Force	47	0.41%	97	Oswego Police	26	0.23%
48	Rantoul Police	47	0.41%	98	Pike Co. Sheriff	26	0.23%
49	Hanover Police	46	0.40%	99	Summit Police	26	0.23%
50	LaGrange Police	46	0.40%	100	Washington Park Police	26	0.23%
					Top 100 Agency Total	8,076	70.34%
					Command Total	11,482	

Appendix D MICROSCOPY							
	Agency	# Cases	% Total		Agency	# Cases	% Total
1	Cook Co. Sheriff	104	9.67%	51	Charleston Police	3	0.28%
2	Chicago Police	80	7.44%	52	Chester Police	3	0.28%
3	Des Plaines Police	67	6.23%	53	Chicago Police Unit 606	3	0.28%
4	Cicero Police	44	4.09%	54	Cook Co. State's Attny	3	0.28%
5	Skokie Police	42	3.91%	55	Dupo Police	3	0.28%
6	Kankakee Police	37	3.44%	56	Freeport Police	3	0.28%
7	Chicago Police Unit 650	28	2.60%	57	Harvey Police	3	0.28%
8	Chicago Police Unit 640	27	2.51%	58	Herrin Police	3	0.28%
9	Berwyn Police	26	2.42%	59	ISP DOO Zone 7	3	0.28%
10	Palatine Police	26	2.42%	60	Lovington Police	3	0.28%
11	Streamwood Police	26	2.42%	61	Murphysboro Police	3	0.28%
12	Carpentersville Police	25	2.33%	62	Naperville Police	3	0.28%
13	Chicago Police Unit 610	24	2.23%	63	Peoria Police	3	0.28%
14	Aurora Police	23	2.14%	64	St. Clair Co. Sheriff	3	0.28%
15	Brookfield Police	21	1.95%	65	Union Co. Sheriff	3	0.28%
16	Chicago Police Unit 79	19	1.77%	66	Arlington Heights Police	2	0.19%
17	Stone Park Police	18	1.67%	67	Arthur Police	2	0.19%
18	Bellwood Police	17	1.58%	68	Chicago Police Unit 25	2	0.19%
19	Chicago Police Unit 620	16	1.49%	69	Christian Co. Sheriff	2	0.19%
20	Elk Grove Village Police	15	1.40%	70	Christopher Police	2	0.19%
21	Chicago Police Unit 630	14	1.30%	71	Danville Police	2	0.19%
22	ISP DOO Zone 3	13	1.21%	72	Glendale Heights Police	2	0.19%
23	Round Lake Police	12	1.12%	73	IDOC Big Muddy River	2	0.19%
24	Robbins Police	11	1.02%	74	IDOC Menard	2	0.19%
25	Evanston Police	10	0.93%	75	IL Natural Resources	2	0.19%
26	McHenry Co. Sheriff	9	0.84%	76	ISP District 1	2	0.19%
27	Oak Park Police	9	0.84%	77	ISP District 13	2	0.19%
28	Hanover Park Police	8	0.74%	78	Jonesboro Police	2	0.19%
29	Stickney Police	8	0.74%	79	Kankakee Co. Sheriff	2	0.19%
30	Will Co. Sheriff	8	0.74%	80	La Salle Co. Sheriff	2	0.19%
31	Joliet Police	7	0.65%	81	Livingston Co. Sheriff	2	0.19%
32	Mt. Vernon Police	7	0.65%	82	Macomb Police	2	0.19%
33	Carbondale Police	6	0.56%	83	Marion Co. Sheriff	2	0.19%
34	ISP District 17	6	0.56%	84	Mason Co. Sheriff	2	0.19%
35	Jackson Co. Sheriff	6	0.56%	85	Metropolis Police	2	0.19%
36	Romeoville Police	6	0.56%	86	Mount Prospect Police	2	0.19%
37	Barrington Police	5	0.47%	87	Niles Police	2	0.19%
38	Centralia Police	5	0.47%	88	Park Forest Police	2	0.19%
39	Decatur Police	5	0.47%	89	Park Ridge Police	2	0.19%
40	Marion Police	5	0.47%	90	Plainfield Police	2	0.19%
41	Rock Island Police	5	0.47%	91	Randolph Co. Sheriff	2	0.19%
42	State Fire Marshal	5	0.47%	92	Robinson Police	2	0.19%
43	Summit Police	5	0.47%	93	Rockford Police	2	0.19%
44	Chicago Ridge Police	4	0.37%	94	SIU Police	2	0.19%
45	Evergreen Park Police	4	0.37%	95	Tazewell Co. Sheriff	2	0.19%
46	ISP DOO Zone 6	4	0.37%	96	Wayne Co. Sheriff	2	0.19%
47	ISP DOO Zone 7	4	0.37%	97	Winnebago Co. Sheriff	2	0.19%
48	Boone Co. Sheriff	3	0.28%	98	Addison Police	1	0.09%
49	Cary Police	3	0.28%	99	Alsip Police	1	0.09%
50	Champaign Co. Sheriff	3	0.28%	100	Anna Police	1	0.09%
					Top 100 Agency Total	997	92.74%
					Command Total	1,075	

Appendix D							
DNA							
	Agency	# Cases	% Total		Agency	# Cases	% Total
1	Chicago Police Unit 620	447	12.22%	51	Chicago Police Unit 25	7	0.19%
2	Chicago Police	407	11.13%	52	East Moline Police	7	0.19%
3	Chicago Police Unit 610	354	9.68%	53	Kendall Co. Sheriff	7	0.19%
4	Chicago Police Unit 650	253	6.92%	54	Macon Co. Sheriff	7	0.19%
5	Chicago Police Unit 640	205	5.61%	55	Pike Co. Sheriff	7	0.19%
6	Chicago Police Unit 630	168	4.59%	56	Robinson Police	7	0.19%
7	Rockford Police	108	2.95%	57	Vermilion Co. Sheriff	7	0.19%
8	Springfield Police	71	1.94%	58	Alsip Police	6	0.16%
9	Decatur Police	67	1.83%	59	Boone Co. Sheriff	6	0.16%
10	Chicago Police Unit 79	60	1.64%	60	Henderson Co. Sheriff	6	0.16%
11	Joliet Police	59	1.61%	61	ISP DOO Zone 7	6	0.16%
12	Peoria Police	55	1.50%	62	Macomb Police	6	0.16%
13	Winnebago Co. Sheriff	37	1.01%	63	Metropolis Police	6	0.16%
14	Danville Police	36	0.98%	64	Murphysboro Police	6	0.16%
15	Elgin Police	32	0.88%	65	Normal Police	6	0.16%
16	Harvey Police	32	0.88%	66	Oak Lawn Police	6	0.16%
17	Will Co. Sheriff	29	0.79%	67	Pekin Police	6	0.16%
18	Mt. Vernon Police	28	0.77%	68	Alton Police	5	0.14%
19	Urbana Police	28	0.77%	69	Bolingbrook Police	5	0.14%
20	Carbondale Police	26	0.71%	70	Calumet City Police	5	0.14%
21	Champaign Police	26	0.71%	71	Charleston Police	5	0.14%
22	Bloomington Police	25	0.68%	72	Chicago Police Unit 8	5	0.14%
23	Chicago Police Unit 601	25	0.68%	73	Chicago Police Unit 177	5	0.14%
24	Chicago Police Unit 606	25	0.68%	74	Chicago Police Unit 603	5	0.14%
25	Quincy Police	25	0.68%	75	Collinsville Police	5	0.14%
26	Freeport Police	22	0.60%	76	Cook Co. State's Attny	5	0.14%
27	Aurora Police	20	0.55%	77	Fairview Heights Police	5	0.14%
28	McHenry Co. Sheriff	17	0.46%	78	Homewood Police	5	0.14%
29	ISP DOO Zone 6	15	0.41%	79	ISP DOO Zone 4	5	0.14%
30	Kane Co. Sheriff	15	0.41%	80	Rantoul Police	5	0.14%
31	St. Clair Co. Sheriff	14	0.38%	81	Rock Falls Police	5	0.14%
32	Moline Police	13	0.36%	82	Romeoville Police	5	0.14%
33	Sangamon Co. Sheriff	13	0.36%	83	Streator Police	5	0.14%
34	Chicago Police Unit 113	12	0.33%	84	Union Co. Sheriff	5	0.14%
35	Chicago Police Unit 606	12	0.33%	85	Vandalia Police	5	0.14%
36	East St. Louis Police	11	0.30%	86	Woodstock Police	5	0.14%
37	Lincoln Police	11	0.30%	87	Blue Island Police	4	0.11%
38	Rock Island Police	11	0.30%	88	Cherry Valley Police	4	0.11%
39	Madison Co. Sheriff	10	0.27%	89	Chicago Police Unit 5	4	0.11%
40	Marion Police	10	0.27%	90	Chicago Police Unit 13	4	0.11%
41	Galesburg Police	9	0.25%	91	Christopher Police	4	0.11%
42	Granite City Police	9	0.25%	92	Coles Co. Sheriff	4	0.11%
43	Markham Police	9	0.25%	93	DeKalb Co. Sheriff	4	0.11%
44	Park Forest Police	9	0.25%	94	East Peoria Police	4	0.11%
45	St. Charles Police	9	0.25%	95	Girard Police	4	0.11%
46	Will Co. Sheriff – Patrol	9	0.25%	96	Harrisburg Police	4	0.11%
47	DeKalb Police	8	0.22%	97	ISP DOO Zone 7	4	0.11%
48	Jackson Co. Sheriff	8	0.22%	98	Kankakee Co. Sheriff	4	0.11%
49	Kankakee Police	8	0.22%	99	Kewanee Police	4	0.11%
50	Burbank Police	7	0.19%	100	Lansing Police	4	0.11%
					Top 100 Agency Total	3,179	86.93%
					Command Total	3,657	

Appendix D BIOLOGY							
	Agency	# Cases	% Total		Agency	# Cases	% Total
1	Chicago Police	1,089	13.82%	51	Park Ridge Police	29	0.37%
2	Cook Co. Sheriff	399	5.06%	52	Villa Park Police	29	0.37%
3	Evanston Police	262	3.33%	53	Broadview Police	28	0.36%
4	Chicago Police Unit 620	246	3.12%	54	Quincy Police	28	0.36%
5	Chicago Police Unit 610	241	3.06%	55	Urbana Police	28	0.36%
6	Cicero Police	225	2.86%	56	Bridgeview Police	27	0.34%
7	Chicago Police Unit 650	174	2.21%	57	Round Lake Beach Police	26	0.33%
8	Berwyn Police	169	2.15%	58	Kane Co. Sheriff	25	0.32%
9	Chicago Police Unit 640	154	1.95%	59	Carbondale Police	24	0.30%
10	Joliet Police	126	1.60%	60	Hickory Hills Police	24	0.30%
11	Rockford Police	119	1.51%	61	Bloomington Police	22	0.28%
12	Chicago Police Unit 630	116	1.47%	62	Carol Stream Police	22	0.28%
13	Skokie Police	114	1.45%	63	Elk Grove Village Police	21	0.27%
14	Streamwood Police	111	1.41%	64	McHenry Co. Sheriff	21	0.27%
15	Oak Park Police	103	1.31%	65	Mt. Vernon Police	21	0.27%
16	Carpentersville Police	92	1.17%	66	Northwestern Univ Police	21	0.27%
17	Robbins Police	85	1.08%	67	East St. Louis Police	20	0.25%
18	Springfield Police	85	1.08%	68	ISP DOO Zone 6	20	0.25%
19	Will Co. Sheriff	82	1.04%	69	Northlake Police	20	0.25%
20	Decatur Police	81	1.03%	70	Rosemont Police	20	0.25%
21	Des Plaines Police	81	1.03%	71	Wauconda Police	20	0.25%
22	Schaumburg Police	79	1.00%	72	ISP DOO Zone 1	19	0.24%
23	Palatine Police	72	0.91%	73	McCook Police	18	0.23%
24	Hoffman Estates Police	70	0.89%	74	Round Lake Hghts Police	18	0.23%
25	Bellwood Police	69	0.88%	75	Lincoln Police	17	0.22%
26	Harvey Police	69	0.88%	76	Madison Co. Sheriff	17	0.22%
27	Niles Police	68	0.86%	77	Naperville Police	17	0.22%
28	Arlington Heights Police	67	0.85%	78	Prospect Heights Police	17	0.22%
29	Danville Police	60	0.76%	79	St. Clair Co. Sheriff	17	0.22%
30	Chicago Police Unit 79	56	0.71%	80	Summit Police	17	0.22%
31	Forest Park Police	55	0.70%	81	Kankakee Police	16	0.20%
32	Winnebago Co. Sheriff	55	0.70%	82	Glendale Heights Police	15	0.19%
33	Maywood Police	53	0.67%	83	Park Forest Police	15	0.19%
34	Aurora Police	51	0.65%	84	Sangamon Co. Sheriff	15	0.19%
35	Brookfield Police	51	0.65%	85	St. Charles Police	15	0.19%
36	Island Lake Police	48	0.61%	86	Chicago Police Unit 606	14	0.18%
37	Cary Police	47	0.60%	87	Mount Prospect Police	14	0.18%
38	Franklin Park Police	47	0.60%	88	Boone Co. Sheriff	13	0.17%
39	Elgin Police	39	0.50%	89	Hinsdale Police	13	0.17%
40	Peoria Police	39	0.50%	90	Markham Police	13	0.17%
41	Rolling Meadows Police	38	0.48%	91	Normal Police	13	0.17%
42	Melrose Park Police	37	0.47%	92	Rock Island Police	13	0.17%
43	Lake Villa Police	35	0.44%	93	Barrington Hills Police	12	0.15%
44	Champaign Police	34	0.43%	94	Calumet City Police	12	0.15%
45	Evergreen Park Police	34	0.43%	95	Hanover Park Police	12	0.15%
46	Freeport Police	34	0.43%	96	Lyons Police	12	0.15%
47	Morton Grove Police	33	0.42%	97	Schiller Park Police	12	0.15%
48	Round Lake Police	31	0.39%	98	Bolingbrook Police	11	0.14%
49	La Grange Police	30	0.38%	99	Burr Ridge Police	11	0.14%
50	Elmwood Park Police	29	0.37%	100	DeKalb Police	11	0.14%
					Top 100 Agency Total	6,499	82.50%
					Command Total	7,878	

Appendix D
TOOLMARKS

	Agency	# Cases	% Total			
1	Chicago Police Unit 620	3	8.57%			
2	Glen Carbon Police	3	8.57%			
3	Chicago Police Unit 610	2	5.71%			
4	Chicago Police Unit 630	2	5.71%			
5	Edwardsville Police	2	5.71%			
6	ISP DOO Zone 6	2	5.71%			
7	Joliet Police	2	5.71%			
8	Belleville Police	1	2.86%			
9	Chicago Police	1	2.86%			
10	Chicago Police Unit 6	1	2.86%			
11	Chicago Police Unit 9	1	2.86%			
12	Chicago Police Unit 153	1	2.86%			
13	Columbia Police	1	2.86%			
14	DeKalb Police	1	2.86%			
15	Effingham Co. Sheriff	1	2.86%			
16	ISP District Chicago	1	2.86%			
17	Kane Co. Sheriff	1	2.86%			
18	Macoupin Co. Sheriff	1	2.86%			
19	Markham Police	1	2.86%			
20	Mendota Police	1	2.86%			
21	Mercer Co. Sheriff	1	2.86%			
22	Metra Police	1	2.86%			
23	Oak Forest Police	1	2.86%			
24	Rockford Police	1	2.86%			
25	Sycamore Police	1	2.86%			
26	Vandalia Police	1	2.86%			
<p>Note: A CALMS error was identified and corrected in April 2007 to accurately distinguish toolmark cases from firearm cases.</p>				<p>Top 100 Agency Total Command Total</p>	<p>35 35</p>	<p>100%</p>

Appendix D
TRACE CHEMISTRY

	Agency	# Cases	% Total		Agency	# Cases	% Total
1	Chicago Police Unit 603	583	20.32%	51	Evergreen Park Police	10	0.35%
2	Cook Co. Sheriff	172	6.00%	52	Round Lake Beach Police	9	0.31%
3	Cicero Police	96	3.35%	53	Champaign Police	8	0.28%
4	State Fire Marshal-Spfd	94	3.28%	54	Markham Police	8	0.28%
5	NE IL Region Crime Lab	79	2.75%	55	Round Lake Hghts Police	8	0.28%
6	Chicago Police Unit 610	76	2.65%	56	Schaumburg Police	8	0.28%
7	Streamwood Police	65	2.27%	57	Elk Grove Village Police	7	0.24%
8	Chicago Police Unit 620	63	2.20%	58	Kankakee Co. Sheriff	7	0.24%
9	Joliet Police	58	2.02%	59	Park Forest Police	7	0.24%
10	Skokie Police	58	2.02%	60	Peoria Fire	7	0.24%
11	Summit Police	57	1.99%	61	Quincy Police	7	0.24%
12	State Fire Marshal-Arson	56	1.95%	62	State Fire Marshal-Cairo	7	0.24%
13	Evanston Police	54	1.88%	63	Arlington Heights Police	6	0.21%
14	Carpentersville Police	47	1.64%	64	Chicago Heights Police	6	0.21%
15	Rockford Police	46	1.60%	65	Chicago Police Unit 113	6	0.21%
16	Berwyn Police	36	1.25%	66	Chicago Police Unit 189	6	0.21%
17	Aurora Police	29	1.01%	67	East St. Louis Police	6	0.21%
18	Oak Park Police	28	0.98%	68	Greater Round Lake Fire	6	0.21%
19	Chicago Police Unit 640	27	0.94%	69	Harvey Police	6	0.21%
20	Chicago Police Unit 650	27	0.94%	70	Island Lake Police	6	0.21%
21	Palatine Police	26	0.91%	71	Lincoln Police	6	0.21%
22	Chicago Police Unit 630	24	0.84%	72	Lockport Township Fire	6	0.21%
23	La Grange Police	24	0.84%	73	Peoria Police	6	0.21%
24	Rockford Fire	23	0.80%	74	Springfield Police	6	0.21%
25	Will Co. Sheriff	23	0.80%	75	Fire Marshal-Mt. Vernon	6	0.21%
26	Brookfield Police	22	0.77%	76	Tinley Park Police	6	0.21%
27	Hanover Park Police	22	0.77%	77	Urbana Police	6	0.21%
28	Decatur Fire	21	0.73%	78	Warren Co. Sheriff	6	0.21%
29	Kane Co. Sheriff	21	0.73%	79	Chicago Ridge Police	5	0.17%
30	Addison Police	20	0.70%	80	Country Club Hills Police	5	0.17%
31	Danville Police	20	0.70%	81	Glendale Heights Police	5	0.17%
32	ISP DOO Zone 6	20	0.70%	82	North Riverside Police	5	0.17%
33	Chicago Police	19	0.66%	83	Winnebago Co. Sheriff	5	0.17%
34	Niles Police	19	0.66%	84	Alsip Police	4	0.14%
35	Decatur Police	18	0.63%	85	Belleville Police	4	0.14%
36	Stone Park Police	18	0.63%	86	Bridgeview Police	4	0.14%
37	Bellwood Police	17	0.59%	87	Charleston Police	4	0.14%
38	Springfield Fire	17	0.59%	88	Chicago Police Unit 23	4	0.14%
39	McCook Police	16	0.56%	89	Chicago Police Unit 177	4	0.14%
40	Hoffman Estates Police	15	0.52%	90	Hickory Hills Police	4	0.14%
41	Morton Grove Police	14	0.49%	91	La Salle Co. Sheriff	4	0.14%
42	Prairie Grove Police	14	0.49%	92	Lake Villa Police	4	0.14%
43	Elgin Police	13	0.45%	93	McHenry Co. Sheriff	4	0.14%
44	Des Plaines Police	12	0.42%	94	Mt. Vernon Police	4	0.14%
45	Maywood Police	12	0.42%	95	Normal Police	4	0.14%
46	Bloomington Police	11	0.38%	96	Oak Lawn Police	4	0.14%
47	Freeport Police	11	0.38%	97	Round Lake Police	4	0.14%
48	Lyons Police	11	0.38%	98	South Elgin Police	4	0.14%
49	Melrose Park Police	11	0.38%	99	St. Clair Co. Sheriff	4	0.14%
50	Calumet City Police	10	0.35%	100	Fire Marshal-Herrin	4	0.14%
					Top 100 Agency Total	2,557	89.13%
					Command Total	2,869	

Appendix D
FOOTWEAR/TIRE TRACKS

	Agency	# Cases	% Total		Agency	# Cases	% Total
1	Skokie Police	40	10.31%	51	Glendale Heights Police	2	0.52%
2	La Grange Police	24	6.19%	52	Glenwood Police	2	0.52%
3	Jefferson Co. Sheriff	11	2.84%	53	Hanover Park Police	2	0.52%
4	Carpentersville Police	10	2.58%	54	Herrin Police	2	0.52%
5	Metropolis Police	10	2.58%	55	Johnson Co. Sheriff	2	0.52%
6	Canton Police	8	2.06%	56	Joppa Police	2	0.52%
7	East St. Louis Police	8	2.06%	57	Kewanee Police	2	0.52%
8	Monmouth Police	7	1.80%	58	Lebanon Police	2	0.52%
9	Mt. Vernon Police	6	1.55%	59	Okawville Police	2	0.52%
10	Springfield Police	6	1.55%	60	Oswego Police	2	0.52%
11	Cook Co. Sheriff	5	1.29%	61	Piatt Co. Sheriff	2	0.52%
12	Galesburg Police	5	1.29%	62	Quincy Police	2	0.52%
13	ISP DOO Zone 6	5	1.29%	63	Robinson Police	2	0.52%
14	Lincoln Police	5	1.29%	64	Rochelle Police	2	0.52%
15	O'Fallon Police	5	1.29%	65	Rock Island Police	2	0.52%
16	Pontiac Police	5	1.29%	66	St. Clair Co. Sheriff	2	0.52%
17	Stephenson Co. Sheriff	5	1.29%	67	Summit Police	2	0.52%
18	Aurora Police	4	1.03%	68	Tazewell Co. Sheriff	2	0.52%
19	Berwyn Police	4	1.03%	69	West Frankfort Police	2	0.52%
20	Boone Co. Sheriff	4	1.03%	70	Winnebago Co. Sheriff	2	0.52%
21	Carbondale Police	4	1.03%	71	Abingdon Police	1	0.26%
22	Nashville Police	4	1.03%	72	Arthur Police	1	0.26%
23	Red Bud Police	4	1.03%	73	Beckemeyer Police	1	0.26%
24	Will Co. Sheriff	4	1.03%	74	Benton Police	1	0.26%
25	Alorton Police	3	0.77%	75	Broadview Police	1	0.26%
26	Brookfield Police	3	0.77%	76	Brown Co. Sheriff	1	0.26%
27	Bureau Co. Sheriff	3	0.77%	77	Burbank Police	1	0.26%
28	Carmi Police	3	0.77%	78	Calumet City Police	1	0.26%
29	Carroll Co. Sheriff	3	0.77%	79	Centreville Police	1	0.26%
30	Creve Coeur Police	3	0.77%	80	Champaign Police	1	0.26%
31	Dixon Police	3	0.77%	81	Charleston Police	1	0.26%
32	Fairview Heights Police	3	0.77%	82	Chester Police	1	0.26%
33	Marion Police	3	0.77%	83	Chicago Heights Police	1	0.26%
34	Union Co. Sheriff	3	0.77%	84	Chicago Police	1	0.26%
35	Bartonville Police	2	0.52%	85	Chicago Police Unit 5	1	0.26%
36	Beardstown Police	2	0.52%	86	Chicago Police Unit 620	1	0.26%
37	Bloomington Police	2	0.52%	87	Chicago Police Unit 640	1	0.26%
38	Chicago Police Unit 610	2	0.52%	88	Cicero Police	1	0.26%
39	Collinsville Police	2	0.52%	89	Crainville Police	1	0.26%
40	Crestwood Police	2	0.52%	90	Crawford Co. Sheriff	1	0.26%
41	DeKalb Police	2	0.52%	91	Danville Police	1	0.26%
42	Decatur Police	2	0.52%	92	Douglas Co. Sheriff	1	0.26%
43	Dwight Police	2	0.52%	93	Dupo Police	1	0.26%
44	Edwardsville Police	2	0.52%	94	Effingham Co. Sheriff	1	0.26%
45	Elk Grove Village Police	2	0.52%	95	Evansville Police	1	0.26%
46	Fayette Co. Sheriff	2	0.52%	96	Evergreen Park Police	1	0.26%
47	Fox River Grove Police	2	0.52%	97	FBI Chicago	1	0.26%
48	Franklin Co. Sheriff	2	0.52%	98	Forest Park Police	1	0.26%
49	Freeport Police	2	0.52%	99	Frankfort Police	1	0.26%
50	Fulton Co. Sheriff	2	0.52%	100	Galena Police	1	0.26%
					Top 100 Agency Total	325	83.76%
					Command Total	388	

Source: ISP 2007 Annual Report information.

APPENDIX E
BACKLOGGED CASES BY LAB AND TYPE
FY02 – FY07

Appendix E
BACKLOGGED CASES BY LAB AND TYPE

Lab	Section	FY02	FY03	FY04	FY05	FY06	FY07
Chicago	Drug Chemistry	13	27	8	2	11	0
	DNA	104	522	118	90	233	369
	Documents	0	0	0	0	0	0
	Firearms/Toolmarks	49	106	295	621	210	399
	Biology	422	833	609	680	1,430	1,947
	Footwear/Tire Tracks	4	8	6	6	0	0
	Latent Prints	492	498	616	881	858	917
	Microscopy	32	98	23	48	23	65
	Toxicology	0	0	0	0	0	0
	Trace Chemistry	50	216	358	490	581	359
Joliet	Drug Chemistry	9	8	392	356	728	427
	DNA	50	85	10	40	72	95
	Documents	0	0	0	0	0	0
	Firearms/Toolmarks	45	33	39	62	72	184
	Biology	81	35	80	22	47	224
	Footwear/Tire Tracks	9	6	6	7	41	44
	Latent Prints	299	573	651	825	875	1,099
	Microscopy	0	0	0	0	0	0
	Toxicology	0	0	0	0	0	0
	Trace Chemistry	11	32	20	48	71	105
Metro-East	Drug Chemistry	89	72	67	7	224	35
	DNA	24	28	4	15	35	68
	Documents	0	0	0	0	0	0
	Firearms/Toolmarks	5	31	17	50	83	76
	Biology	16	11	19	7	1	2
	Footwear/Tire Tracks	6	5	5	5	1	4
	Latent Prints	125	109	115	114	153	371
	Microscopy	12	0	0	0	0	1
	Toxicology	0	0	0	0	0	0
Trace Chemistry	13	2	3	24	1	6	
Morton	Drug Chemistry	38	6	7	7	0	25
	DNA	26	28	5	15	15	3
	Documents	0	0	0	0	0	0
	Firearms/Toolmarks	14	5	11	32	40	26
	Biology	36	67	37	29	76	52
	Footwear/Tire Tracks	0	0	0	0	0	0
	Latent Prints	94	136	116	158	312	240
	Microscopy	0	0	0	0	3	0
	Toxicology	0	0	0	0	0	0
Trace Chemistry	0	0	0	0	2	0	
Springfield R & D	Drug Chemistry	0	0	0	0	0	0
	DNA	1	0	1	0	1	1
	Documents	0	0	0	0	0	0
	Firearms/Toolmarks	0	0	0	0	0	0
	Biology	0	0	0	0	0	0
	Footwear/Tire Tracks	0	0	0	0	0	0
	Latent Prints	0	0	0	0	0	0
	Microscopy	0	0	0	0	0	0
	Toxicology	0	0	0	0	0	0
Trace Chemistry	0	0	0	0	0	0	

Appendix E continued
BACKLOGGED CASES BY LAB AND TYPE

Lab	Section	FY02	FY03	FY04	FY05	FY06	FY07
Rockford	Drug Chemistry	199	138	99	371	615	1,274
	DNA	35	27	2	1	169	83
	Documents	0	0	0	0	0	0
	Firearms/Toolmarks	31	39	26	61	123	129
	Biology	12	8	24	4	55	171
	Footwear/Tire Tracks	2	6	0	1	2	6
	Latent Prints	135	222	292	86	389	309
	Microscopy	0	0	0	0	0	1
	Toxicology	1	0	0	0	0	0
Trace Chemistry	4	0	0	2	1	2	
Southern Illinois	Drug Chemistry	249	1	44	61	53	62
	DNA	7	3	4	2	22	10
	Documents	0	0	0	0	0	1
	Firearms/Toolmarks	16	14	47	47	46	31
	Biology	20	7	14	12	6	26
	Footwear/Tire Tracks	12	44	88	21	2	6
	Latent Prints	57	67	149	121	86	213
	Microscopy	21	6	29	1	1	0
	Toxicology	0	0	0	0	0	0
Trace Chemistry	0	0	1	0	0	0	
Springfield	Drug Chemistry	44	12	319	526	175	209
	DNA	19	49	3	7	97	39
	Documents	36	21	15	20	33	13
	Firearms/Toolmarks	36	35	23	39	55	102
	Biology	18	34	64	11	55	90
	Footwear/Tire Tracks	4	12	15	14	18	31
	Latent Prints	240	114	147	163	141	194
	Microscopy	0	0	2	0	0	0
	Toxicology	0	1	219	10	29	95
Trace Chemistry	7	19	38	32	24	20	
Westchester	Drug Chemistry	51	5	8	7	20	21
	DNA	0	0	0	0	0	0
	Documents	0	0	0	0	0	0
	Firearms/Toolmarks	0	0	0	0	0	0
	Biology	0	0	0	0	0	0
	Footwear/Tire Tracks	0	0	0	0	0	0
	Latent Prints	1	0	0	0	0	1
	Microscopy	0	0	0	0	0	0
	Toxicology	0	6	1	1	138	104
Trace Chemistry	0	0	0	0	0	0	
Totals	Drug Chemistry	692	269	944	1,337	1,826	2,053
	DNA	266	742	147	170	644	668
	Documents	36	21	15	20	33	14
	Firearms/Toolmarks	196	263	458	912	629	947
	Biology	605	995	847	765	1,670	2,512
	Footwear/Tire Tracks	37	81	120	54	64	91
	Latent Prints	1,443	1,719	2,086	2,348	2,814	3,344
	Microscopy	65	104	54	49	27	67
	Toxicology	1	7	220	11	167	199
Trace Chemistry	85	269	420	596	680	492	

Source: ISP Crime Lab Backlog Statistics

APPENDIX F
AGENCY RESPONSES



ILLINOIS STATE POLICE
Office of the Director

Pat Quinn
Governor

February 25, 2009

Mr. Mike Maziarz
Audit Manager
Office of the Auditor General
Iles Park Plaza
740 East Ash Street
Springfield, Illinois 62703-3154

Dear Mr. Maziarz:

Enclosed is the Illinois State Police (ISP) written response to the final audit report concerning House Resolution 451. I appreciate your assistance in working through this process. Please contact me if you have questions or require anything further regarding this matter.

Sincerely,

Larry G. Trent
Director

Enclosure

HOUSE RESOLUTION 451
ISP RESPONSES TO OAG RECOMMENDATIONS

2-25-09

RECOMMENDATION NUMBER 1

The Illinois State Police should develop a comprehensive plan to address the environmental issues at its forensic labs.

ISP RESPONSE

The health and safety of ISP employees is paramount and ISP does everything possible to address identified health/safety issues in a timely manner. Fortunately, to date, none of the listed facility issues have impacted the ISO accreditation status of any of the laboratories. To ensure this does not happen, ISP will continue to take necessary interim measures while long-term solutions are developed. Traditionally, ISP has developed an agency-wide plan incorporating the major facility needs of all divisions. Requests have been made to the Capital Development Board (CDB) for new facilities to replace the Joliet, Southern Illinois Forensic Science Centre (Carbondale), and the Springfield Research & Development laboratories, but insufficient funds exist. CDB recently identified funds to address the Joliet roof issue. ISP concurs with this recommendation and will pursue development of a consolidated plan.

RECOMMENDATION NUMBER 2

The Illinois State Police should take the steps necessary to determine whether all fines levied for cases where fees should be collected are actually submitted to the Department. Additionally, the Illinois State Police should seek specific appropriation language when the DUI Fund is needed for expenditures for divisions outside the Division of Forensic Services.

ISP RESPONSE

As a point of clarification, whenever fee funds are “appropriated,” ISP is actually given a “spending authority” for money collected. ISP is given the authority only to spend up to the amount “appropriated”; however, if sufficient fees are not collected and deposited in the fund, ISP can only spend the amount collected. At times over the course of a given fiscal year, there may be insufficient funds causing delays in ISP’s ability to purchase items until sufficient funding is collected.

As noted in the report, ISP had previously attempted to determine whether all appropriate fines are actually submitted to the Department but was unsuccessful because no effective mechanism existed at that time. With the legislative changes requiring annual audits of Circuit Clerks, future efforts are expected to be more successful. ISP concurs with the recommendation to determine whether all appropriate fines are submitted to the Department and will be taking action to obtain that information from the Circuit Clerks. Recognizing the fact that Circuit Clerks can only be expected to forward the fines which are levied, ISP will continue to annually remind state’s attorneys and circuit clerks of the statutes authorizing such fines.

Auditor Comment #1

The legislative change requiring annual audits of Circuit Clerks, which ISP states will be useful in its future efforts to ensure that fines are remitted to ISP, was enacted into law 10 years ago.

ISP does not concur with the recommendation to seek specific appropriation language regarding the DUI Fund. Legislation allows for the department to expend money from the State Police DUI fund for both laboratory analyses and police equipment to prevent alcohol criminal violence, depending on the source of the revenue. This appropriation is for expenditure authority only, it is not cash, and comes in from two sources both resulting from DUI convictions. The legislation previously sent and discussed with the Auditor General staff is 730 ILCS 5/5-9-1.9, and 625 ILCS 5/11-501.01.

Auditor Comment #2

The audit clearly states that the purchase of equipment is allowed by statute. The audit also states that appropriations from the General Assembly for the DUI fund were made for the operation of the forensic labs. It is unclear why ISP would object to further delineating its appropriation, thereby increasing the transparency of the purposes for which its funds are to be used.

ISP notes a necessary correction to information in Exhibit 2-1 and the associated narrative within this OAG report. ISP had identified an error in the Road Fund figures which were provided to the OAG and are listed in Exhibit 2-1. The correct Road Fund figure of \$2.3 M was provided to the OAG subsequent to the exit conference, but was not corrected in the report.

Auditor Comment #3

In information provided during the audit, ISP identified cost center 331 as the Road Fund. At the exit conference, ISP stated that they “incorrectly identified” this cost center for FY02; however, cost center 331 is also identified as Road Fund in FY03 in documentation provided by ISP. ISP stated that, “FSC [Forensic Sciences Command, i.e., ISP] personnel had correctly identified all FY03 & FY04 cost centers.” Because no new documentation was provided to support ISP’s suggested change and because ISP contends that the cost center 331 was correctly identified as the Road Fund in FY03, we could not verify or support the change suggested by ISP.

RECOMMENDATION NUMBER 3

The Illinois State Police should ensure that resources provided by the General Assembly are fully utilized for the mission of the Division of Forensic Services, including the reduction of case backlogs, rather than allowing this funding to transfer or lapse. Additionally, the Illinois State Police should take the steps necessary to determine the funding level needed to operate its lab system.

ISP RESPONSE

The ISP does not concur with the first portion of this recommendation. The State Finance Act allows the department to transfer up to 2% of its allowable lines in total. In FY05, the transfer limit was increased up to 4%. This was deemed necessary and supported by the legislature, allowing departments flexibility in handling issues within their own budgets. The ISP should not have any of its transferability limited. The State Finance Act already establishes the limit. Each State Police appropriation is used to make Illinois safer for its citizens; this is not unique to Forensic Services. As the OAG report notes, the bulk of the transfers made during this audit period were made to address critical needs in the department's vehicle expenses, also directly impacting the safety of our officers and the public.

Auditor Comment #4

The auditors understand, and do not take issue with, the ability of ISP to transfer funds pursuant to the State Finance Act. However, as directed by House Resolution Number 451, in their review of whether the current funding of the ISP forensic labs was sufficient, auditors noted ISP was transferring significant funds appropriated by the General Assembly for forensic services, to other functions despite the forensic labs growing backlog, shortage of scientists, etc. For example, twenty percent of the transferred funds, over \$1.2 million, which were appropriated for forensic services, were transferred and given to the CeaseFire Illinois program. Clearly, if there had not been a serious need for this funding for the forensic labs, the transfer of funds would not be an issue. However, given both the General Assembly's concern regarding the adequacy of funding for the forensic labs and the growing backlogs, staff shortages, etc., the auditors concluded it was important to recommend that ISP fully utilize the funding given to it by the General Assembly for its forensic labs.

Regarding the lapse of funds, agencies have been required by the Governor's Office of Management and Budget (GOMB) to reserve funds and the expectation is for these funds to lapse. Additionally, GOMB is responsible for approving all hiring, promotions and transfers within the state, greatly impacting the lapse of personal services dollars. This audit report includes \$7.7 million of lapse in the personal services lines which is often not within the agency's control.

ISP is currently researching the best method to accomplish the type of cost analysis necessary to determine the funding level needed to operate its laboratory system.

RECOMMENDATION NUMBER 4

The Illinois State Police should ensure that all grant funding is spent in accordance with the grant agreements and not allow this funding to lapse. The Illinois State Police should also ensure that the grant funds are spent in a timely manner to avoid having the grant funding discontinued.

ISP RESPONSE

Regarding the "Timeliness Issues" section (including OAG Exhibit 2-8), some information provided to the OAG from the Illinois Criminal Justice Information

Authority (ICJIA) is inconsistent with ISP's information and may reflect the date ICJIA logged the required grant reports into their system and not the date ISP submitted the reports. ISP maintains that only two of the progress reports (due 1/15/07 and 12/15/07) were submitted late. The January 2007 report was delayed because the agreement was not signed until February 2007. Documentation to support these statements regarding ISP's submission dates were provided to the OAG but had not been incorporated into this report. The information is summarized in the following corrected table.

Auditor Comment #5

Contrary to ISP's assertion, the auditors did not utilize dates from the Illinois Criminal Justice Information Authority's system. Rather, the OAG utilized the dates from the actual quarterly progress reports prepared by the Director of ISP's Research and Development lab, who is responsible for grant administration.

ISP Corrected Exhibit 2-8 Reporting Requirement Analysis for Coverdell Grant Federal Fiscal Year 2005			
Reporting Period	Due Date	Date Submitted	Days Late
12/1/06 – 12/31/06	1/15/07	3/21/07*	66
1/1/07 – 3/31/07	4/15/07	4/9/07	-
4/1/07 – 6/30/07	7/15/07	7/6/07	-
7/1/07 – 9/30/07	10/15/07	10/5/07	-
10/1/07 – 11/15/07	12/15/07	12/29/07	14
* Agreement not finalized with ICJIA until 2/2/07			

A number of corrections to various grant award, expenditure, and lapsed amounts listed in OAG Exhibit 2-9 were also requested of the OAG at the exit conference but have not been included in this report. Vouchering completed by ISP during the prescribed grant lapse period was not reflected in some of the OAG's listed figures, thus providing misleading information. Whatever amount remained unspent at the conclusion of the grant's lapse period would be the true lapsed amount. One final correction was requested because, as of January 16, 2008, the 2004 Forensic Casework DNA Backlog Reduction grant was not closed and should have been listed in the "Open Grant" portion of Exhibit 2-9 instead of the "Closed Grant" section. That grant period (not including the allowed lapse period) was extended through January 31, 2008. Supporting documentation previously provided to the OAG in this regard was used to compile ISP's corrected chart included in this response. **The actual lapsed amount from the 22 FY02-FY07 grants which were closed as of 1-16-08 is \$214,639, not \$1.3 million.**

ISP CORRECTED EXHIBIT 2-9
UNSPENT GRANT FUNDING BY ISP DIVISION OF FORENSIC SERVICES (FY02-FY07)
As of January 16, 2008

Grant	Grant Award	Expenditures	Lapsed
<i>Closed Grants:</i>			
FY01 No Suspect DNA Backlog Reduction	\$500,000	\$499,875	\$125
FY02 Crime Laboratory Improvement	\$237,669	\$220,059	\$17,610
Project DRAGUN (Drugs and Guns)	\$16,320	\$16,250	\$70
FY03 No Suspect DNA Backlog Reduction	\$940,371	\$940,274	\$97
FY03 Convicted Offender Backlog Reduction	\$628,633	\$619,280	\$9,353
Sexual Assault DNA Analysis	\$160,000	\$159,900	\$100
Sexual Assault DNA Evidence Collection	\$300,443	\$278,363	\$22,080
Sexual Assault DNA Evidence Collection	\$408,159	\$404,459	\$3,700
Sexual Assault DNA Analysis	\$85,263	\$84,950	\$313
Sexual Assault DNA Analysis	\$416,214	\$414,064	\$2,150
Project Safe Neighborhood 2004	\$40,000	\$39,233	\$767
Midwestern Association of Forensic Scientists	\$1,887	\$1,887	\$0
Midwest Forensics Resource Center	\$15,307	\$14,798	\$509
Sexual Assault DNA Analysis Program	\$363,693	\$343,148	\$20,545
Juvenile Accountability Incentive Block	\$100,000	\$22,575	\$77,425
2002 Coverdell Grant	\$141,689	\$141,099	\$590
2003 Coverdell Grant	\$153,226	\$143,894	\$9,332
2004 Coverdell Grant	\$289,134	\$286,889	\$2,245
2005 Coverdell Grant	\$316,037	\$276,921	\$39,116
2004 DNA Capacity Enhancement	\$1,529,577	\$1,524,397	\$5,180
2005 Convicted Offender Backlog Reduction	\$80,094	\$79,478	\$616
2006 Convicted Offender Backlog Reduction	\$16,175	\$13,459	\$2,716
<i>Subtotal - Closed Grants</i>	\$6,739,891	\$6,525,252	\$214,639
<i>Open Grants:</i>			
Grant	Grant Award	Expenditures	Unspent
2004 Forensic Casework DNA Backlog Reduction	\$1,753,447	\$1,185,788	\$567,659
2006 Coverdell Grant	\$320,547	\$0	\$320,547
2005 Forensic Casework DNA Backlog Reduction	\$1,175,886	\$656,193	\$519,693
2006 Forensic Casework DNA Backlog Reduction	\$850,000	\$0	\$850,000
2005 DNA Capacity Enhancement	\$1,309,335	\$443,345	\$865,990
2006 DNA Capacity Enhancement	\$1,668,051	\$0	\$1,668,051
<i>Subtotal - Open Grants</i>	\$7,077,266	\$2,285,326	\$4,791,940
TOTAL	\$13,817,157	\$8,810,578	\$5,006,579

As documented by the amount of grant funding requested and awarded since FY02, ISP recognizes and utilizes grant opportunities as a critical funding resource for the ISP laboratory system. Of the total \$13.8M awarded over the FY02-FY07 audit period, only \$215K (or 1.6%) was lapsed (not including grants still open as of 1-16-08).

Some delays in spending the grant funding also were out of the control of the ISP. For a long period of time, staffing shortages at ICJIA severely impacted the timeliness with which that organization could process ISP's requests for such grant activities as grant budget revisions, grant extensions, or even process initial grant awards. No further action, including spending the grant funds, could be taken by ISP until certain steps were completed by ICJIA. An additional factor impacting most grant spending is the extensive procurement process state agencies must complete through Central Management Services (CMS). All grant expenditures were in accordance with the grant agreements. **DFS has never had grant funding discontinued.**

The ISP does concur with Recommendation 4, and will continue to ensure appropriate expenditure of grant funding in a timely manner. As of January 31, 2009, three of the "open" grants listed in OAG Exhibit 2-9 (and ISP Corrected Exhibit 2-9) are now closed. Final lapsed amounts from those grants are as follows:

- 2005 Forensic Casework DNA Backlog Reduction grant - \$5,278 of \$1.176M awarded
- 2006 Coverdell Grant - \$1,552 of \$321K awarded
- 2006 Forensic Casework DNA Backlog Reduction grant - \$1,847 of \$850K awarded

The total amount lapsed from these three grants was 0.4% of the total amount awarded. Two of the other "open" grants listed in ISP Corrected Exhibit 2-9 were still open as of 1-31-09, and as of that date, equipment items being purchased from those grants had been delivered to the laboratories or were in the ordering process. ISP anticipates expending all funds from both of those grants and continues to actively pursue additional federal grant funding for the laboratory system.

Auditor Comment #6

ISP indicated at the exit that they had "recently discovered" grant information previously provided on several different occasions was incomplete. However, the additional documentation provided by ISP was neither sufficient nor consistent for the OAG to change the report due to various factors including: (1) some documentation was for a time period after the period covered by Exhibit 2-9 of January 16, 2008; (2) some ISP documentation provided was undated; and (3) ISP failed to provide documentation to show that one of the grants had been given a formal extension to be considered "open." Instead, ISP provided email correspondence where the NIJ was very concerned that ISP had deobligated 1/3 of the total grant award. The ISP grant administrator concurred with the NIJ position and another ISP official agreed that ISP had "lapsed the funds." Yet now, 14 months after our first request for this information, and subsequent requests, ISP creates a new Exhibit that has not been supported by documentation

At this late date, our professional skepticism is heightened. Our Exhibit is based on ISP developed cost center/expenditure reports.

RECOMMENDATION NUMBER 5

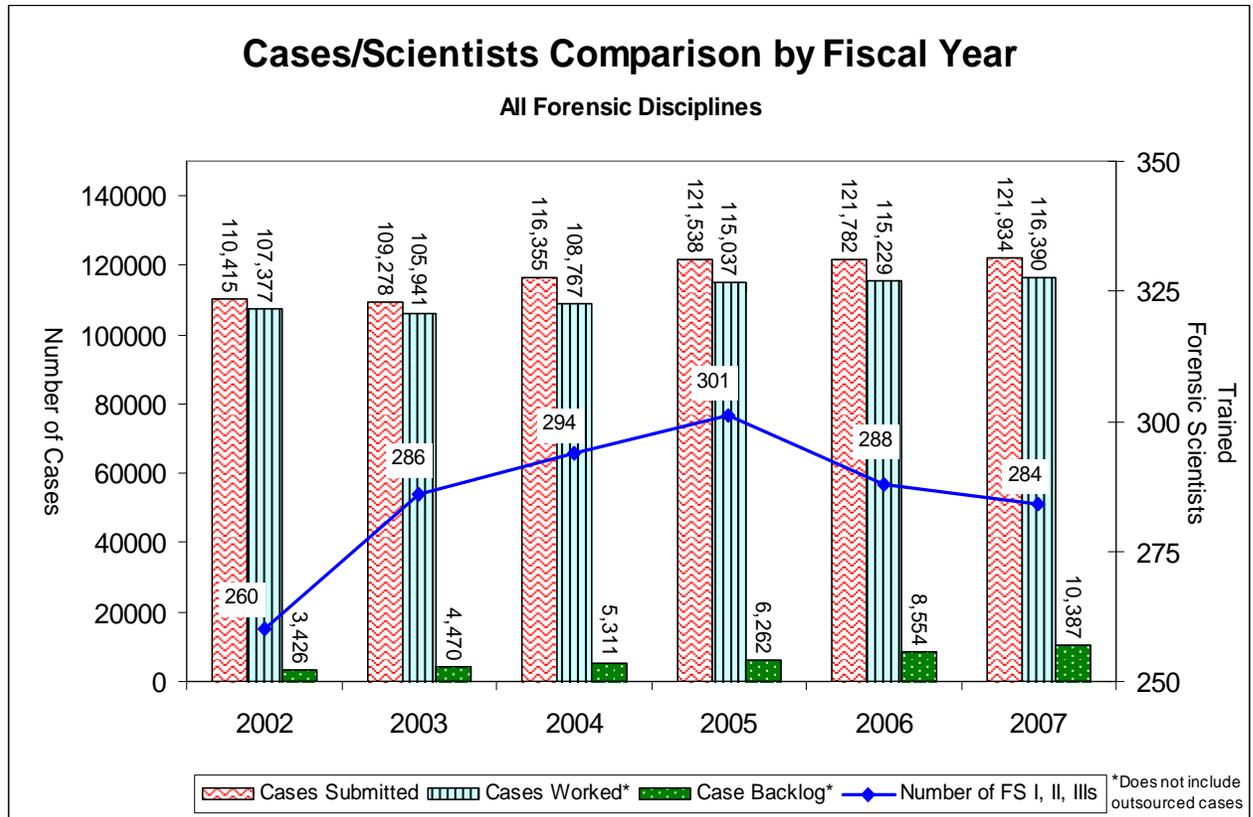
The Illinois State Police should conduct a formal study of staffing levels to determine the appropriate staffing levels for the Division of Forensic Services.

ISP RESPONSE

ISP does concur with the recommendation that a formal study of staffing levels should be conducted to determine the appropriate level to meet established goals. A more formal and comprehensive analysis would be a beneficial tool for this purpose and could be conducted in conjunction with the funding study referenced in ISP's response to OAG Recommendation 3.

Although staffing level is not the only factor which influences backlogs, it should be noted that per the budget instructions from GOMB, no new headcount could be requested in the budget starting with the FY07 budget request.

Also a challenge is the training time required for a forensic scientist. Dependant upon the specific forensic discipline, training can typically run between 12 – 36 months before a scientist is able to work cases. Until they are fully trained, they have little impact on the backlogs. Compared to OAG Exhibit 2-12, the graph below provides a more comprehensive representation of three major factors impacting backlogs (staffing, cases submitted, and cases worked) as well as the overall backlog for the ISP laboratories during the audit period.



RECOMMENDATION NUMBER 6

The Illinois State Police's Division of Forensic Services should ensure that information/backlog numbers reported to the General Assembly, Governor, and user agencies are accurate and not misleading. Additionally, the Illinois State Police should ensure that its labs do not institute procedures that would impede the working of DNA cases in order to keep the reported backlog low.

ISP RESPONSE

ISP concurs that information/backlog numbers reported to the General Assembly and the Governor should not be incorrect or misleading. Every attempt has always been made to ensure reports are clear and accurate. ISP also recognizes there may be public misperceptions regarding various aspects and limitations of forensic science, and will continue to seek opportunities to correct those misperceptions.

Information provided was the most accurate ISP had at the time. CALMS was originally designed as a tool used for internal resource planning (e.g., placement of new staff, monitoring each lab's case submissions/productivity/backlogs, etc.), and was never intended to provide the kinds of statistical details now being requested by external entities. Over the years, ISP's ability to capture and report pertinent statistical information has expanded with modifications made to the CALMS system. Likewise, additions and modifications have also been made over the years to the kind of information included in the DNA Testing Accountability Report to ensure it provides a comprehensive review of ISP's activities in this area.

Auditor Comment #7

Clearly, the information reported to the General Assembly was not the most accurate ISP had at the time. As discussed in the audit report, internal ISP backlog reports showed 170 backlogged DNA cases at the end of FY05, while ISP's Accountability Report showed 0.

In response to the second part of Recommendation 6, ISP does not allow laboratories to impede DNA casework but encourages them to identify innovative ways to improve efficiency and increase productivity while maintaining quality. Overall, the laboratories have incorporated various innovations with demonstrated improvement of 117% in DNA case productivity per analyst from 2002 to 2007.

Auditor Comment #8

As stated in the audit, the lab director reported that Forensic Sciences Command knew of the use of this unconventional method, condoned the practice, and never told the lab to discontinue its use.

The circumstances involving one laboratory's unconventional method for processing forensic biology/DNA cases actually involved two separate isolated incidents, identified by our own command and appropriately corrected. In the first situation, the laboratory director implemented a process in January 2007, whereby one scientist who was on medical duty assignment was instructed to only work enough biology cases to generate 15-20 cases to be transferred for DNA testing. This is about 50% more DNA cases than the average biologist generates in one month. After that level was reached, the scientist was assigned other duties to assist the DNA processing, such as proofing DNA reports. If there were no additional tasks to be done for the DNA section, she was to then return to working additional biology cases. Setting a specific number of cases to be worked in biology each month was unconventional and was an attempt by a new lab director to efficiently match staffing to caseloads between the two disciplines. Upon review of the circumstances of this issue, the OAG staff agreed they did not believe the lab director's approach in this matter was part of any nefarious plan.

The second situation was created by the scientist herself. During the first three months of 2007, she worked more than the directed number of biology cases. Rather than forward all appropriate cases over to the DNA section for analysis, the scientist chose to retain any cases above the 15-20 case level. Consequently, these cases were not counted in any backlog at the time. This was done without the knowledge or approval of the lab director or the bureau chief. When the lab director discovered this, the practice was immediately stopped and all held cases were forwarded to the DNA section for analysis. These cases were properly included in the DNA backlog figures reported in the FY2007 DNA Testing Accountability Report.

One correction to information provided in the OAG report is necessary. In Chapter 1, OAG Exhibit 1-6 lists the number of cases submitted to each discipline in FY07. In that table, the Forensic Biology and the DNA cases are combined as 7.63% of the total cases.

The accompanying narrative incorrectly reports that figure for DNA case submissions. DNA cases represented only 2.76% of the ISP caseload in FY07.

Auditor Comment #9

The report has been revised.

RECOMMENDATION NUMBER 7

The Illinois State Police should develop a formal plan for reducing or eliminating backlogs of forensic services cases.

ISP RESPONSE

Although the ISP does not have a formal plan, the ISP has placed considerable efforts into reducing the backlog. These efforts include the use of overtime, outsourcing some cases, and implementing new technologies. In the body of the audit report, the relationship between the number of scientists and the backlog was depicted in OAG Exhibit 2-12. It is important to note that the number of scientists is not the only factor impacting backlogs. Other factors include, but are not limited to: the number of cases submitted and worked (as seen in the chart in ISP’s response to Recommendation 5); the number of scientists assigned to train the new staff; and the number of scientists assigned to fulfill the non-casework duties

The backlog issue is not unique to ISP. For several years now, the news media has reported on growing case backlogs across the nation, not only in DNA but also in other forensic disciplines. In many cases, rising case submissions have contributed to the concern. To provide some perspective, the following table lists the FY05-FY07 case submissions and case backlogs of the ISP laboratory system and the 13 lab respondents to the OAG’s survey.

LAB or SYSTEM	FY05		FY06		FY07	
	Submitted	Backlog	Submitted	Backlog	Submitted	Backlog
ISP	121,538	6,262	121,782	8,554	121,934	10,387
California	72,093	6,398	73,430	7,121	71,625	6,933
Georgia	91,628	24,382	84,717	5,196	91,512	4,242
Florida	90,734	9,995	93,138	12,498	90,564	3,838
Indiana	13,145	4,585	13,988	2,638	13,987	2,167
Iowa	13,818	2,413	13,882	1,675	14,628	1,967
Kentucky	45,093	2,784	46,072	2,405	41,304	3,161
Michigan	137,418	5,182	124,988	Not reported	127,698	Not reported
Missouri	19,153	Unavailable	21,303	Unavailable	22,067	Unavailable
Ohio	26,510	6,137	27,812	6,125	26,028	4,159
Texas	67,913	14,320	70,599	10,004	73,136	11,196
Virginia	70,858	19,574	72,627	15,215	64,640	5,472
Wisconsin	15,686	1,965	15,875	2,346	16,592	2,562

FBI	5,077	749	4,558	1,440	4,449	2,873
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A quick analysis of the limited information provided in the chart shows that other laboratories and lab systems are also dealing with ongoing backlog issues. In FY05, ISP’s backlog represented 5.15% of the total number of cases submitted that year. The range for other responding labs in FY05 was 3.77% to 34.88%. By FY07, the range for those labs was 4.24% to 64.58%. ISP’s FY07 figure of 8.52% was well within the range experienced by other labs.

The survey of user agencies demonstrated ISP met requests for “rush” analysis 81% of the time. Since ISP was not aware of any communicated rush requests which were not met, the ISP will reach out to those agencies who commented about such an occurrence.

ISP concurs with the recommendation and will coordinate development of this plan with the formal studies/analyses to be conducted regarding proper staffing and funding levels. Facility needs such as expansion, renovation, or new construction will also have to be determined to ensure a comprehensive approach is considered. User agency feedback will also be important to ensure the needs of the criminal justice system continue to be met. In addition to surveying all user agencies, ISP will make a concerted effort to contact each entity that responded to the OAG’s survey for further information and follow up on their specific comments and concerns. Any approach considered by ISP will not jeopardize the quality of the forensic analysis performed. Many user agencies recognize and appreciate ISP’s efforts to maintain this high level of quality despite backlog and staffing challenges. For example, the respondent for the Springfield Police Department, quoted in various parts of this audit report, included the following additional comment in his survey response: “I don’t want to convey a negative attitude about ISP Labs. They are very competent & capable professionals who provide SPD with high quality services.”

Auditor Comment #10

The audit does note that backlogs are not unique to Illinois. However, care must be taken when comparing Illinois’ backlog statistics with those reported by other states. As discussed in this report, auditors raised questions about the veracity of the backlog figures reported by ISP (e.g., inaccurate reporting of DNA backlogs to the General Assembly, as well as excluding cases sent to contractual laboratories from the backlog count). Furthermore, several states reported variations in how they define and/or report backlogged cases, which raise further questions concerning the validity of such comparisons. For example: (1) each state defined its backlog differently (several states counted a case as backlog if it was unworked, regardless of whether it had been at the lab for 5 days or 50 days); (2) some states did not provide numbers for all disciplines (for example, Virginia responded that they provide biology, footwear/tire track, microscopy, and DNA CODIS analysis; however, they did not provide backlog figures for these disciplines); and (3) the number and type of cases submitted and backlogged is relative to size of lab and number of services offered.

RECOMMENDATION NUMBER 8

The Illinois State Police's Division of Forensic Services should conduct site visits of forensic labs in accordance with their Quality Manual.

ISP RESPONSE

Site visits had been suspended during part of the period of this audit due to FSC restrictions regarding the use of travel funds; these limited funds were reserved for court testimony travel and were not available for routine site visits. However, laboratory managers and quality managers, as well as the Director of Quality Assurance were closely monitoring quality through the other mechanisms within the FSC's Quality Assurance program such as through various external audits, internal audits, and other means. ISP does concur with this recommendation and will ensure site visits are conducted in accordance with the Quality Manual.

When deferring analysis on extra exhibits in a case, ISP laboratories will not knowingly take any action which will jeopardize the case. ISP does recognize this can be frustrating to some user agencies, and so labs ensure decisions are fully explained whenever questions arise. Special circumstances are always considered and ISP relies on effective communications with the user agencies to be certain needs are met. The OAG report states 5 out of 49 respondents identified an issue. At least one of those comments had nothing to do with the laboratory system.

RECOMMENDATION NUMBER 9

The Illinois State Police's Division of Forensic Services should notify external agencies of the results of reviews in all cases where the review was initiated because of a question from an external agency. ISP should consider revising the Quality Issue Report to ensure that this notification is made and documented.

ISP RESPONSE

The external agency is always notified at the onset of the quality issue when appropriate. The ISP agrees it is a good idea to ensure an external agency is notified of the resolution to a concern that agency raised. ISP concurs with this recommendation and is already in the process of revising the QIR form to include documentation of this notification.

RECOMMENDATION NUMBER 10

The Illinois State Police's Division of Forensic Services should ensure that the Quality Assurance Questionnaire is utilized to obtain feedback from user agencies and that the Regional Advisory Boards meet at least annually as required in its Quality Manual.

ISP RESPONSE

As noted in the body of this OAG report, the DFS had been in the process of revising the old questionnaire. The revised Quality Assurance Questionnaire was distributed to user agencies for feedback on the drug chemistry section beginning in June 2008. Surveys focusing on every forensic discipline will be distributed by DFS over the course of each year, with appropriate follow-up on identified concerns taken. As noted in the ISP response for Recommendation Number 7, a special effort will be made to contact each entity that responded to the OAG's survey for further information and follow up on their

specific comments and concerns. Since late 2008, the DFS has also been working with the Regional Institute for Community Policing (RICP) to develop an additional user survey. This tool, anticipated to be distributed in early 2009, is designed to help DFS in its efforts to improve efficiency yet still meet user agency needs. Regional Laboratory Advisory Board meetings are also recognized as an effective means for additional input. The new SIFSC laboratory director did hold a Laboratory Advisory Board meeting in June 2008. ISP will take steps to verify those are being conducted by each laboratory at least annually. The ISP concurs with this recommendation.

RECOMMENDATION NUMBER 11

The Illinois State Police's Division of Forensic Services should ensure that the investigative entities it names to meet the requirements of the Paul Coverdell Forensic Improvement Grant Program are aware that they have been named as the investigative entities and are aware of and meet the investigative requirements.

ISP RESPONSE

At the time ISP submitted each Coverdell grant application, all grant requirements, including those regarding investigative entities, were met. The Department of Justice review referenced in the body of this audit report did make some recommendations to the Coverdell grant provider regarding establishing new requirements for investigative entities. As a result, ISP understands revisions will be made to future Coverdell grant application forms to reflect these changes and include more detailed requirements. ISP concurs with this recommendation and will ensure it continues to comply with all grant requirements to be able to participate in the Coverdell grant program. Additionally, ISP will ensure the investigative entities involved are aware when a required investigation meets all the Coverdell criteria. To date, the ISP maintains there have been no such investigations required.

Auditor Comment #11

Given that when auditors interviewed officials from DII and the OEIG, the two entities designated by ISP as Coverdell investigative agencies, neither official was familiar with the requirements of Coverdell investigations, the auditors stand by their recommendation that the Department should ensure that investigative entities it is designating as Coverdell investigatory entities are familiar with the requirements of the Coverdell grant. Furthermore, when ISP responds that "To date, the ISP maintains there have been no such investigations required", ISP appears to making the argument that to be considered a Coverdell investigation, the investigation must substantiate that an allegation of serious negligence or misconduct affected the integrity of the results. That is not the case. The Coverdell requirements do not apply to only substantiated cases, but, rather, allegations of such cases. The Coverdell requirements require "independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of forensic results committed by employees"

RECOMMENDATION NUMBER 12

The Illinois State Police's Division of Forensic Services should ensure that investigations into allegations of serious negligence or misconduct substantially

affecting the integrity of forensic results are conducted by an external independent entity as required by the Paul Coverdell Forensic Improvement Grant Program.

ISP RESPONSE

As stated in ISP's response to Recommendation Number 11, ISP has followed all Coverdell grant requirements to date. The Commander's comments included in the audit report require clarification to provide the full explanation of ISP's approach to investigations. When asked by the OAG whether any investigations conducted would fall under the Coverdell requirements, the Commander stated there were no incidents or investigations which met the entire Coverdell criteria (i.e., allegations of serious negligence or misconduct substantially affecting the integrity of forensic results). The Commander did provide examples of serious negligence or misconduct issues, but noted that those did not impact forensic results. Each of these examples was investigated by the Division of Internal Investigation (DII) and not by DFS or laboratory management. For any case in which serious negligence or misconduct is even suspected, DII does not refer those back to DFS; those investigations are conducted by DII, a division independent from the laboratory system. ISP believes this meets the intent of the Coverdell requirement for an independent entity.

Auditor Comment #12

The Commander's comments, which ISP states need to be clarified, were actually provided by the Commander in writing in response to a written question. The Commander wrote "I believe there are some examples where DII investigated allegations of serious negligence or misconduct which had the potential to substantially affect the integrity of results. However, after investigation by DII as well as analytical work performed by our quality assurance program, no analytical results were impacted."

In the above quote, the Commander clearly wrote that she believed there were examples of cases investigated by DII of allegations of serious negligence or misconduct which had the potential to affect the integrity of the results. These examples would meet the Coverdell requirements which require "independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of forensic results committed by employees" An allegation does not need to be substantiated to meet the requirements of a case that needs to be investigated pursuant to the Coverdell grant.

ISP maintains the five cases cited by the OAG in this audit report did not meet the Coverdell criteria since the issue in each case was not serious negligence or misconduct; rather, the issue involved the analytical skills/knowledge each involved individual possessed to adequately perform the job duties.

Auditor Comment #13

The Coverdell requirements specify allegations of serious negligence or misconduct. ISP maintains that the issues did not involve serious negligence or misconduct but rather analytical skill/knowledge. However this determination could not be made until after the investigation – which happened to be conducted by ISP’s Division of Forensic Services and not an independent external entity.

The ISP disagrees with the OAG’s interpretation of the circumstances surrounding a rescinded 30 day suspension. While the OEIG has the authority to make recommendations to agency directors, it is within the sound discretion of each agency director whether to accept or reject those recommendations. After reviewing the report in this particular matter, as well as other pertinent documentation, the Director decided to accept the recommendations made by OEIG, not because the agency agreed with the findings, but because we agreed there was an appearance of retaliation and an appearance of a perceived conflict. The decision had nothing to do with the appropriateness of DII’s findings or the independence of DII’s investigation. The employees involved filed a First Amendment retaliation claim under federal law claiming that ISP Defendants took retaliatory action against them after they submitted a letter protesting the awarding of a no-bid contract to NFSTC. On September 20, 2007 the District Court specifically found that Defendants were entitled to rely upon DII’s independent judgment that the involved employees had violated certain Departmental rules regarding secondary employment and conflicts of interest. While ISP concurs with the spirit of this recommendation, we do not believe any additional action is necessary at this time since our current approach already satisfies this Coverdell grant requirement.

RECOMMENDATION NUMBER 13

The Illinois State Police’s Division of Forensic Services should refer cases involving suspected missing drug evidence to DII for investigation.

ISP RESPONSE

Consideration is always given to the circumstances surrounding each instance of missing drug evidence to determine whether there is any suspicion of wrongdoing. ISP will ensure all actions taken in this regard will be documented. ISP concurs with the recommendation and when there is any suspicion of wrong doing in such cases, they will be referred to DII for investigation.

RECOMMENDATION NUMBER 14

The Illinois State Police Division of Forensic Services should develop a procedure within its outsourcing policy for forensic analysis that delineates who is responsible for case selection so that cases sent for analysis are the most efficient use of State funds.

ISP RESPONSE

DFS does have guidelines for laboratories to use when outsourcing cases, as well as a general policy about outsourcing; the policy has already been updated to ensure responsibility for case selection is more clearly stated. ISP concurs with this recommendation and will continue to review and modify its practices as necessary to ensure the most efficient use of state funds.

When determining which cases to outsource for biology and/or DNA analysis, ISP takes appropriate steps to ensure state or federal funds are being used most effectively. One of these steps may include contacting the submitting agency for a status update on a case being considered for outsourcing. A partial quote by an ISP official is included in the body of this audit report which gives the impression ISP does not use this approach, however, this is inaccurate. In determining the feasibility of routinely contacting agencies immediately prior to outsourcing, the amount of time forensic scientists would be removed from casework to accomplish this must be considered. Because of the size and complexity of the largest law enforcement agencies served by the laboratories, it is often futile to attempt to quickly identify, contact, and get a timely response from the appropriate person who would have the current status of a particular case. This would have to be done for each case targeted for outsourcing and would require the assistance of numerous scientists to accomplish when trying to ship 200-300 cases to the outsourcing vendor. Any delays in the agency response to these inquiries would further delay sending the shipment of cases.

Auditor Comment #14

Auditors never stated that outsourcing guidelines were not in place. These guidelines are discussed on page 96 of the audit. Auditors recommended the guidelines delineate who is responsible for outsourcing case selection. ISP now states the policy has already been updated to ensure responsibility for case selection is more clearly stated. If they exist, auditors were never provided with these updated procedures.

During the audit, when asked about contacting user agencies, ISP responded in writing that “Generally, when a lab analyst pulls an older case to work in-house, he/she will first call the agency on that case to determine whether it is still active or if there is any update on court date, etc. When feasible, some labs might also have attempted to make calls to the agencies when pulling older cases to send for outsourcing...” [emphasis added] If, as noted in ISP’s written comment, contacting user agencies generally occurs for older cases worked in-house, auditors question why that same procedure should not be followed for cases that are sent to contractual labs, to help ensure efficient use of State funds.

Finally, the audit report does not recommend that user agencies be contacted every time before a case is sent to a contractual lab, as ISP’s response infers. Rather, the audit simply recommends that an outsourcing policy be developed to help ensure the efficient use of State funds.

RECOMMENDATION NUMBER 15

The Illinois State Police needs a thorough reporting system in place for tracking outsourced cases. Additionally, the Illinois State Police should ensure contract deadlines so the 75 day turnaround is met. Finally, if it is not met, ISP should either enforce the penalty contained in the contract or document that the penalty has been waived.

ISP RESPONSE

ISP recognized a concern with the number of old cases on the backlog and implemented an extensive outsourcing program in FY02 as one means to address it. While ISP acknowledges some cases did take significant time between when they were originally submitted to the laboratory and when they were outsourced, the limited CALMS information reviewed by the OAG during their testing of this aspect does not provide complete information. As discussed with the OAG, ISP would never attempt to determine this timeline based solely on CALMS information; a manual review of documentation included in the case file, but not included in CALMS, is required. Documentation such as phone conversations, agency letters, emails or other communications could provide a reviewer with important information which may have been critical in determining when a case could be sent for outsourcing or apparent delays in doing so. Without that information, a reviewer would not know whether there was an extenuating circumstance (e.g., an agency hold, lack of biological standards, a court order, etc.), which prohibited the case from being worked earlier.

Auditor Comment #15

While the auditors agree with ISP that a review of documentation may be needed to determine the specific reasons why a particular case may have been delayed before being outsourced, documentation does not have to be reviewed to determine there is a systemic timeliness problem when the median time taken to send cases to an outsourced lab took 79 days. Clearly, if cases are sitting at ISP for 79 days before being sent to a contractual lab (when, in fact, ISP considers a case to be backlogged if it is more than 30 days old), it represents a problem which needs to be monitored and remedied by ISP.

From the beginning of the outsourcing effort, DFS was able to administer the program through various established means, including a computerized database program. As for the turnaround time of outsourced cases, changes had been made to CALMS in July 2008 which now enable that system to track those cases. ISP does not believe a new system needs to be developed since the combination of the established methods and the recent CALMS changes provides a sufficient mechanism to track and report the turnaround time of the cases currently being outsourced.

Auditor Comment #16

Auditors contend that contrary to ISP's comment above, DFS was unable to adequately administer its contracting program from the beginning of the outsourcing effort. At the time auditors tested turnaround time, ISP was unable to effectively track the turnaround time. It is also important to know how long, and the reasons why, a case is sitting at ISP before being sent to the vendor. This, as stated by ISP in their response, can only be determined by a "manual review of documentation included in the case file".

ISP was monitoring the timeframe from shipping the case to the outsourcing vendor until receipt of the report. Weekly conference calls with the vendor to closely monitor the progress were instituted by ISP due to the delays. DFS agreed to the delays beyond the 75-day contract time frame but did not always formally document that approval. ISP does

concur with the recommendation to ensure contract deadlines and will either enforce the late penalty or formally document its waiver in the outsourcing files.

Auditor Comment #17

While ISP says they were “monitoring the timeframe from shipping the case to the outsourcing vendor until receipt of the report,” they were only able to do this “indirectly” and through “internal manual mechanisms,” according to an email from ISP. Once again, being able to efficiently report these timeframes will only help with understanding time lags and enforcing 75-day turnaround contract provisions.

RECOMMENDATION NUMBER 16

The Illinois State Police should have proper documentation to support awards for small purchases and obtain the required number of bids for outsourcing of forensic services. Additionally, ISP should better document the decision on how a procurement will be awarded, including documentation to justify sole source procurements.

ISP RESPONSE

ISP maintains that proper documentation did exist in the procurement files reviewed by the OAG to support awards for small purchases. An official award document is not needed for small purchases. Contacting a vendor for a quote counts as a quote whether or not the vendor responds, therefore, the ISP did obtain three quotes.

Regarding the National Forensic Science Technology Center (NFSTC) DNA training program, the trainees’ comments and associated narrative in the audit report suggest the quality of this program was below ISP’s high standards. This was not the case. Prior to procuring this contract, the FSC’s Director of Training issued a justification memo on 2-4-04, noting the ISP had previously sent four other individuals through this same NFSTC training program with excellent results and described the training as thorough and rigorous. Additionally, the FBI reviewed this program and certified the program met the stringent Quality Assurance Standards for Forensic DNA Testing Laboratories. In ISP’s experience in training forensic scientists, trainee issues/concerns occasionally occur but are immediately addressed. That was also the case with the issues raised by some individuals in this group of 14 trainees. ISP officials quickly took the necessary action to determine the validity of each of the concerns and addressed or resolved all of them with either the trainees or with the NFSTC and its trainers, as appropriate. Of this group of trainees, two resigned from the ISP for personal reasons and the rest are currently active forensic scientists providing high-quality FB/DNA analysis.

Auditor Comment #18

ISP contends that the sole source justification was issued 2/4/04. That memo does not show that ISP attempted to identify any other potential vendors that could provide the desired training. In addition, the procurement file shows that NFSTC submitted a vendor response to ISP “to provide a DNA analysis training academy for your new staff members.” This was dated 2/2/04 – two days prior to ISP’s assertion on the sole source justification, and 50 days prior to an ISP email indicating that the Director had decided to go with sole source procurement.

Additionally, ISP does not agree that the Northeast Regional Forensic Institute (NERFI), the entity the OAG suggests may have been able to provide similar DNA training back in 2004, was able to provide such training at the time ISP required it. A review of the information currently posted on NERFI's website shows their first DNA Academy began in June 2005. In a presentation made at the 2007 American Academy of Forensic Sciences meeting (also posted on the NERFI website), a slide entitled "NERFI History" provides a timeline of their activities regarding the DNA Academy. In that slide, it is not until Spring 2005 that NERFI shows they received federal funding and built the DNA Academy lab. ISP was seeking a DNA training program in early 2004 and training of the group of 14 began at NFSTC in June 2004. ISP was not aware of any other entity that could provide such a training program at that time. ISP did have justification for the sole source procurement of the NFSTC DNA training contract documented in the procurement file reviewed by the OAG. The 2-4-04 memorandum from the Director of Training, referenced in the previous paragraph, was that documentation. CMS approved the sole source procurement.

Auditor Comment #19

While NERFI may have received federal funding in order to build a new building for the DNA Academy lab in the Spring of 2005, NERFI was completely operational prior to this. According to NERFI's website, in 2000, the University of Albany and NY State Police established a dedicated training laboratory on the University at Albany East Campus. In addition, in 2004, the University of Albany and NYSP received a National Institute of Justice Grant for training laboratories. As stated in the audit, the Director of NERFI stated, "... if there had been a bidding opportunity...specifically in early 2004, they would have been ready to bid." ISP states they were not aware of another entity that could provide such a training program at the time they were seeking the training of 14 scientists. Had ISP attempted a competitive procurement for this training contract, instead of awarding it sole source, they likely would have been made aware of another entity being capable. Instead, ISP chose not to undertake a competitive procurement but rather awarded a sole source contract to a vendor that had an ISP Commander as its President of the Board of Directors.

ISP concurs with the portion of the recommendation regarding better documentation of procurements and will ensure it maintains sufficient documentation regarding sole source procurements. As CMS rules for sole source procurements have changed over the past several fiscal years, ISP's own processes have been revised to reflect these new requirements regarding sole source procurements.