§ 20 ILCS 3981/1. Short title

Sec. 1. Short title. This Act may be cited as the Illinois Laboratory Advisory Committee Act.

§ 20 ILCS 3981/5. Illinois Laboratory Advisory Committee; creation

Sec. 5. Illinois Laboratory Advisory Committee; creation. (a) There is created the Illinois Laboratory Advisory Committee (hereinafter referred to as the Committee).

(b) The Committee shall consist of 15 members appointed as follows:

(1) one member who is a scientist from the Department of Agriculture, appointed by the Director of Agriculture;

(2) one member who is a scientist from the Department of Natural Resources, appointed by the Director of Natural Resources;

(3) one member who is a scientist from the Department of Public Health, appointed by the Director of Public Health;

(4) one member who is a scientist from the Department of State Police, appointed by the Director of State Police;

(5) one member who is a scientist from the Environmental Protection Agency, appointed by the Director of the Environmental Protection Agency;

(6) one member who is a scientist from the Illinois Emergency Management Agency, appointed by the Director of the Illinois Emergency Management Agency;

(7) one member who is a scientist from the Department of Transportation, appointed by the Secretary of Transportation;

(8) one member who is a licensed attorney, with expertise in scientific evidence, appointed by the Cook County Public Defender;

(9) one member who is a licensed attorney, with expertise in scientific evidence, appointed by the Cook County State's Attorney;

(10) one member who is a licensed attorney, with expertise in scientific evidence, appointed by the State Appellate Defender;

(11) one member who is a licensed attorney, with expertise in scientific evidence, appointed by the Director of the Office of the State's Attorneys Appellate Prosecutor;

(12) one member who is a licensed attorney, with expertise in scientific evidence, appointed by the Attorney General;

(13) one member who is an academic scientist with an advanced degree in life, physical, or medical sciences appointed by the Attorney General;
(14) one member who is a scientist employed by the DuPage County Sheriff's Crime Laboratory appointed by the DuPage County Sheriff's Crime Laboratory Director; and

(15) one member who is an academic forensic scientist with an advanced degree in the life, physical, criminalistic, or medical sciences appointed by the president of the University of Illinois.

(c) The Committee Chairperson may appoint one ex officio member representing private laboratories, and one ex officio member who is a scientist representing the Northern Illinois Police Crime Laboratory. The president of the University of Illinois may appoint one ex officio member to the Committee representing social scientists.

(d) Appointments to the Committee shall be made within 90 days after the effective date of this Act with the first meeting of the Committee being held no later than 180 days following the effective date of this Act. The members of the Committee shall choose a chairperson from among its members. The chairperson shall serve a 2-year term and shall be responsible for convening meetings, setting agendas, and finalizing reports.

(e) For the purpose of ensuring continuity on the Committee, each member of the Committee shall serve a 4-year term except 5 members, chosen at random, who shall serve an initial term of 2 years, after which they shall be eligible for reappointment for a term of 4 years. Members shall serve at the discretion of their appointing authorities.

(f) Vacancies on the Committee shall be filled in accordance with subsections (b) and (e). A member of the Committee appointed to fill a vacancy shall serve for the unexpired term of the member whom he or she is succeeding.

(g) The Committee shall not be compensated. Travel costs associated with the Committee shall be reimbursed subject to the availability of State or the appointing agency’s funds. Funds received from public or private sources shall be governed by all applicable laws to ensure ethics compliance. There is established the Illinois Laboratory Advisory Committee Act Fund in the State treasury into which funds received from public or private sources shall be deposited for use by the Committee.

(h) The Committee and individual members of the Committee are immune from any liability, whether civil or criminal, for the good faith performance of the duties of the Committee as specified in this Section.

(i) No member of the Committee shall be disqualified from holding public office or employment, nor shall he or she forfeit any such office or employment, by reason of appointment under this Act, and members may not be required to take and file oaths of office before serving on the Committee.

(j) Responsibilities of the Committee. The Committee shall:

(1) establish the rules and procedures concerning the conduct of Committee meetings and other affairs not inconsistent with law;

(2) make recommendations regarding improving policy and procedures to ensure counsel for the defense and prosecution are receiving all evidence, reports, and analytical documentation relevant to disclosure;
(3) 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;

(4) make recommendations regarding training procedures to ensure training is conducted consistent with recognized scientific procedures;

(5) make recommendations regarding staffing and funding needs to ensure resources to obtain accurate, timely, and complete analysis of all samples submitted for testing;

(6) make recommendations regarding private laboratories conducting scientific testing, including forensic testing, to ensure quality assurance and accreditation standards are in concert with the governmental laboratories within the State;

(7) make recommendations to ensure consistency among judicial orders and rulings as it relates to evidence and discovery;

(8) examine ways to make more efficient use of the State laboratories, including facilities, personnel, and equipment;

(9) examine ways to reduce laboratory backlogs;

(10) review and comment on the proposed construction, expansion, or renovation of State laboratory facilities exceeding $250,000 and generally plan for future laboratory needs;

(11) conduct such other activities as may be necessary to provide for the safe and efficient operation of State laboratories;

(12) make recommendations on other laboratory issues not listed in this Section as the Committee deems appropriate;

(13) examine ways to enhance Illinois Homeland Security through coordination of laboratory services with the Illinois Terrorism Task Force;

(14) continue to ensure that analysts are provided all necessary tools and information needed to draw all relevant scientific conclusions, and consider methods to guarantee that observations and conclusions are not inadvertently influenced by extraneous information; and

(15) make annual recommendations in a report filed with the Governor, General Assembly, and Illinois Supreme Court to facilitate any of the responsibilities of the Committee. Reports shall be furnished to all members of the Committee.
Laboratory Advisory Committee

Illinois Laboratory Advisory Committee

SAVED TOPICS: Inter-Laboratory, Multidisciplinary Network, Statewide

Focus:
• Policy recommendations
• Certification requirements for state laboratories (forensics, public health, agriculture, etc.)

Accomplishments:
• Review of management salaries with respect to union employee salaries
• Review of certification requirements for forensic laboratories.

Members: Representation from each state agency with a laboratory

Materials:
Illinois Laboratory Advisory Committee Agenda – April 2007
Illinois Laboratory Advisory Committee Act
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

NINETEEN-FIFTY 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

http://www.auditor.illinois.gov/Audit-Reports/Performance-Special-Multi/Performance-R... 12/18/2009
(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.