

# REPORT DIGEST

## MANAGEMENT AND PROGRAM AUDIT OF THE

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

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State of Illinois  
Office of the Auditor General

**WILLIAM G. HOLLAND**  
AUDITOR GENERAL

To obtain a copy of the report  
contact:  
Office of the Auditor General  
Iles Park Plaza  
740 East Ash Street  
Springfield, IL 62703  
(217) 782-6046 or  
TTY: (888) 261-2887

This report is also available on the  
worldwide web at:  
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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

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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)

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## INTRODUCTION

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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)

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## ILLINOIS STATE POLICE

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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)

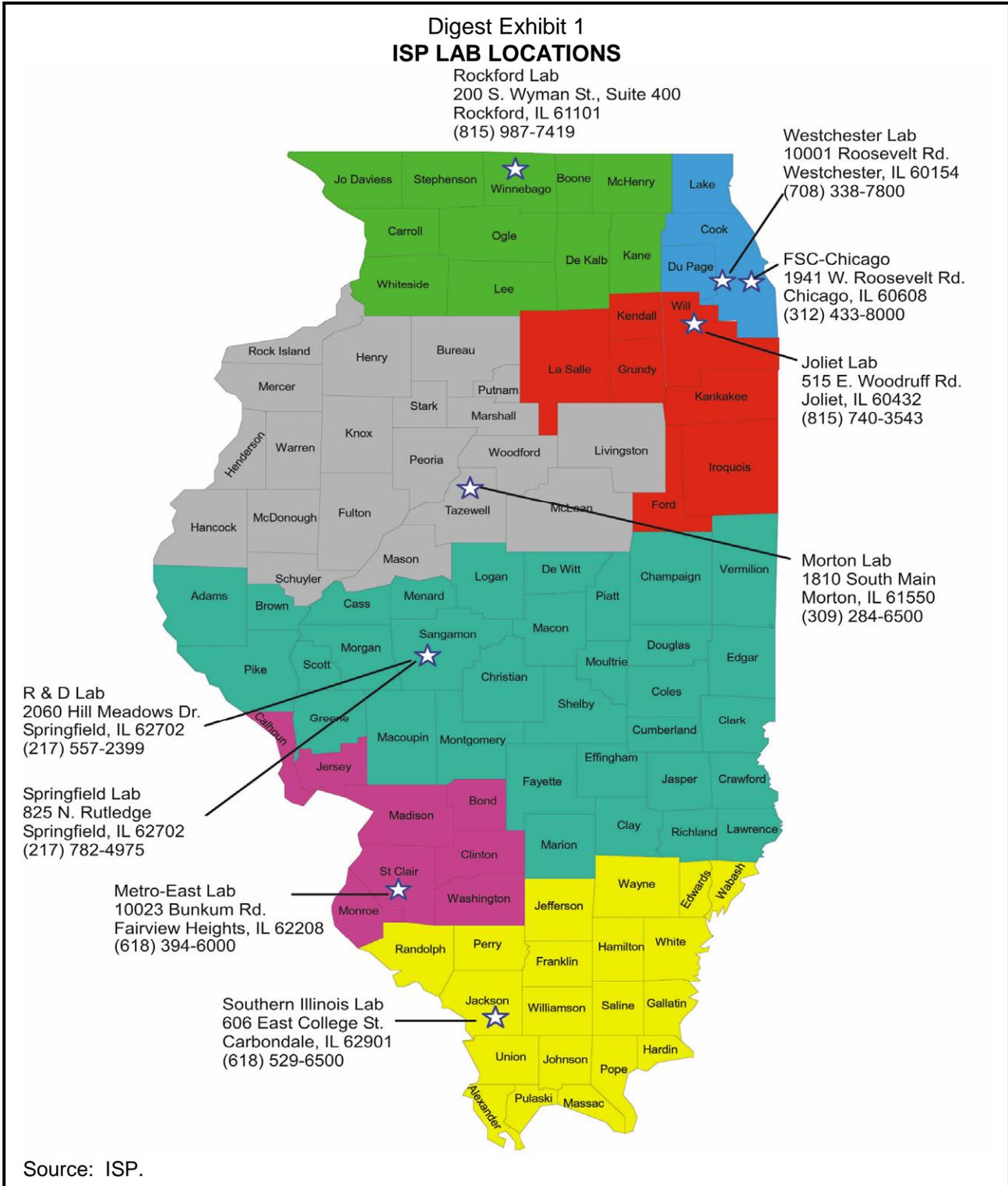
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**ISP shall establish a forensic science lab system to assist local law enforcement agencies.**

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### 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

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

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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)

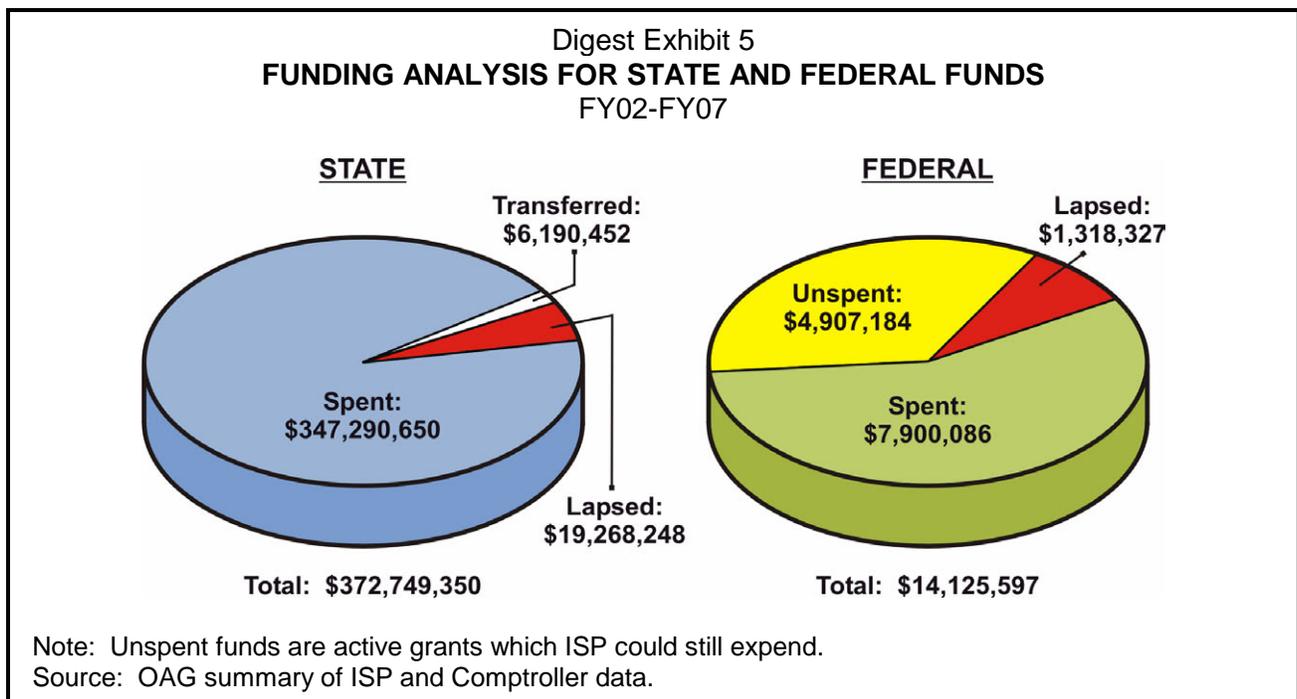
### Lapsed Funding

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)

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

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### 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.

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

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

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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)

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## GRANT FUNDING

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

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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.

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

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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			
<b>UNSPENT GRANT FUNDING BY DIVISION OF FORENSIC SERVICES</b>			
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>	<b>\$8,801,778</b>	<b>\$7,483,451</b>	<b>\$1,318,327</b>
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>	<b>\$5,323,819</b>	<b>\$416,635</b>	<b>\$4,907,184</b>
<b>Total</b>	<b>\$14,125,597</b>	<b>\$7,900,086</b>	<b>\$6,225,511</b>

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

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## STAFFING ISSUES

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

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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.

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

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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 <b>FORENSIC SCIENCES COMMAND STAFFING</b> 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.

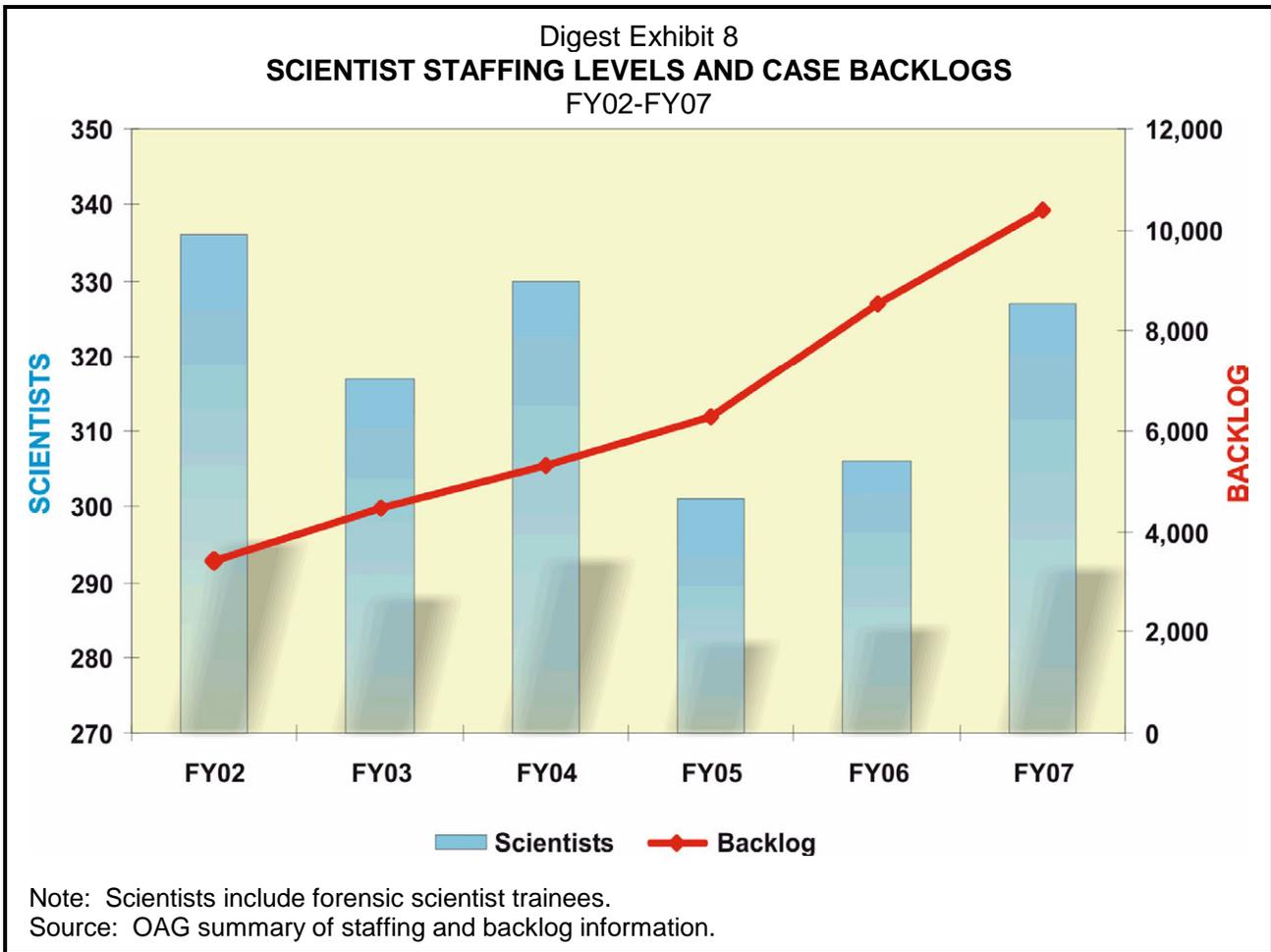
To determine if the number of staff has an effect on the backlog of cases, we compared the **trends in staffing and backlogs** for fiscal years 2002 through 2007. We found that even as the number of scientists increased from fiscal years 2002 through 2005, the number of backlogged

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

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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)

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## **CASE BACKLOGS**

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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)

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

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Digest Exhibit 9 <b>BACKLOGGED CASES BY SECTION</b> 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%
<b>Total</b>	<b>3,426</b>	<b>4,470</b>	<b>5,311</b>	<b>6,262</b>	<b>8,554</b>	<b>10,387</b>	<b>203.2%</b>

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)

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

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

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## ADEQUACY OF ISP POLICIES, PROCEDURES, AND PROTOCOLS

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**ISP utilizes multiple professional guidelines for forensic operations.**

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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)

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## PROCESS TO RESPOND TO QUESTIONS OF ADEQUACY AND ACCURACY

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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.

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

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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)

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## INVESTIGATIONS

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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.

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

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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)

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## OUTSOURCING VENDORS

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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)

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

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

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Digest Exhibit 10 <b>OUTSOURCING PAYMENTS MADE TO VENDORS</b> FY00 – FY07	
Vendor	Amount
Orchid Cellmark <sup>1</sup>	\$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: <sup>1</sup> 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.	

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## TRACKING OF OUTSOURCED CASES

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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.

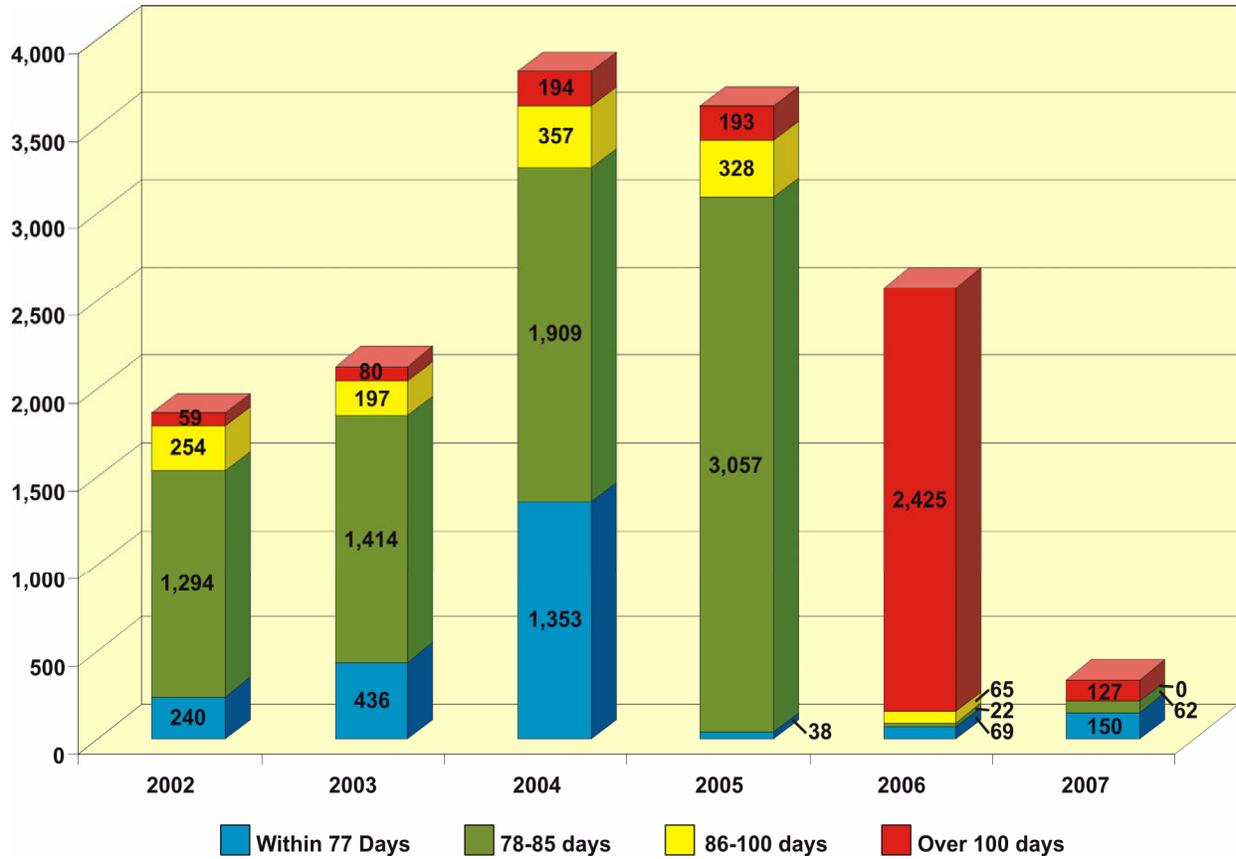
Using the data from ISP’s Approach database, we calculated how many cases were returned to ISP within a 77 day turnaround time. We used 77 days because ISP does not track when the contract lab actually receives the cases. We added two days to the 75 day contract specification because outsourcing contract 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)

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**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.**

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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)

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## **OUTSOURCING PROCUREMENT TESTING**

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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)

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

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

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**AUDIT RECOMMENDATIONS**

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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.



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WILLIAM G. HOLLAND  
Auditor General

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March 2009