



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

J.B. Pritzker  
*Governor*

Brendan F. Kelly  
*Director*

September 24, 2021

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

Dear Governor Pritzker,

Enclosed is the Fiscal Year 2021 Cannabis Regulation and Tax Act Annual Report as required by Public Act 101-27. This report discusses the factors surrounding the legal sale of cannabis in the state of Illinois.

Very Respectfully,

A handwritten signature in black ink that reads "B F Kelly".

Brendan F. Kelly  
Director

**Enclosure**

cc: Senate Minority Leader Dan McConchie  
House Minority Leader Jim Durkin  
Senate President Don Harmon  
Speaker of the House Emanuel Chris Welch

# FISCAL YEAR 2021 CANNABIS REGULATION AND TAX ACT ANNUAL REPORT

## Illinois State Police



Cannabis Control Office

# Illinois State Police FY21 Annual Report

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# Illinois State Police FY21 Annual Report

## SUMMARY









“

To improve is to change; to be perfect is to change often- Winston Churchill

The Illinois State Police provides enforcement, investigation, and processing of all cannabis related criminal offenses. The Illinois State Police is also involved in the inspection of facilities operating under the Cannabis Regulation and Tax Act (Adult and Medical Use). The Agency strives to ensure the safety of the motoring public/ community, curb illicit market (non-tax related cannabis sales and possession) activities, and provide effective inspection and oversight of security related matters to the legitimate cannabis industry.

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## FY21 Accomplishments

<p><b>Undercover Sales Details</b> -133 conducted -7 illegal sales identified</p> 	<p><b>Facility Inspections</b> - 1897 completed - As of the writing of this report this includes monthly inspections of 22 cultivation centers and 110 dispensaries.</p> 	<p><b>Plant and Product Audits</b> - 154,263 - All violations were referred to the regulating agency.</p> 	<p><b>Portable Mass Spectrometers Procurement</b> -Used for investigations of Butane Hash Oil Labs, other illegal labs, and hazmat situations.</p> 
<p><b>Geographic Information System Maps Development</b> -Available to all ISP. -Shows all industry locations and contact information. -Includes Industrial Hemp</p> 	<p><b>Advanced Roadside Impaired Driving Enforcement</b> -166 Troopers are scheduled to attend this training in 2021. -On June 15, 2021, twenty-one Department of Natural Resources officers completed the training.</p> 	<p><b>Drug Chemistry</b> -Assigned a forensic scientist to utilize spectrometer instrument to develop methods to screen and quantitate the THC content in plant material and infused products. -Part of method validation prior to implementation.</p> 	<p><b>Oral Fluid Instrument Feasibility Program</b> -Continued to gather additional data to make a more informed decision on the recognition program. -Data is being reviewed monthly.</p> 

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## FY22 Goals

Accomplishing educational and physical security goals are relevant to the cannabis discussion as it promotes the safety of both users and private business entities as the industry continues to expand due to further legalization.

- Commercial Motor Vehicle Public Service Program- Aimed at providing education to drivers on prohibitive possession/use of cannabis in CMVs.
- Physical Security Reviews for New Industry Entities- Review security plans of 40 craft growers, 32 infusers, and 141 transporters along with over 100 new dispensary security walk-throughs/joint inspections.
- Design and Implement Basic Physical Security Training for state agencies and industry entities to reference.

## FY22 Essential Projects

- Centralized Automation of Inspector Site Inspection Reports. This will allow for the better retrieval and calculation of data from statewide resources.
- Expansion of Cannabis Control Office personnel- Industry growth due to new state licensures for various industry entities requires additional personnel for physical security inspections and administrative functions.
- Drug Recognition Expert School-Currently in the planning stage and scheduled for early 2022. Budget is for twenty students.

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## Key Data Points

### Cannabis Facility Inspection and Enforcement Activities

#### Agency Referrals

- Department of Agriculture
- 108 referrals
- Department of Financial and Professional Regulation
- 122 referrals

- **230 total referrals**

- **Referrals are defined as providing information to other law enforcement or regulatory agencies for follow-up.**



#### Cannabis Related DUI and Crashes Involving Cannabis

\*Comparison between 2<sup>nd</sup> half FY19 (107) and FY20 (163) showed a 52 percent increase in cannabis related DUI handled by ISP.

\*19 percent increase in cannabis related DUI handled by ISP for 2<sup>nd</sup> half of FY20(163) compared to FY21 (195).

\* 75 percent decrease in crashes involving cannabis handled by ISP in comparison 2<sup>nd</sup> half FY20 (88 crashes) to FY21 (22 crashes).



#### DUI Cannabis Task Force

- Created in 2019
- Repealed in 2021 due to statutory language giving it an end date.
- Governmental Affairs seeking to get task force extended.

### Backgrounds and Expungements

#### FY21 Backgrounds

**9,966**

96.02 percent processed in less than 48 hours



#### FY20 Backgrounds

**15,635**

94.31 percent processed in less than 48 hours



#### FY21 Expungements

\*332,060 individuals received \*15,375 minor cannabis offenses

\*513,788 arrest events impacted/expunged

Note: Numbers include programmatic expungement of minor cannabis non-conviction records.



#### Training

- Cannabis Control Office funded \$70,000 worth of training.
- Approximately 30 training sessions.
- Amount of training provided reduced due to Covid.

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## Cannabis Control Office Funding Usage

### Adult Use

Appropriation: \$3,503,555  
Expenditures: \$2,612,579.89  
Balance: \$890,975.11

### Medical Use

Appropriation: \$1,117,201.44  
Expenditures: \$546,547.68  
Balance: \$570,547.76

Total FY21 Closing balance =

**\$1,461,522.87**



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## Relevant legislation, updates and initiatives



House Bill 1443 passed on July 15, 2021. Provides for numerous new facilities requiring regular inspections.



House Bill 4097 (introduced). Provides for an additional 60 craft grower licenses requiring additional inspections.



Cannabis Control Office Initiative- Provide physical security training certification to all assigned sworn personnel through our federal resources at the Federal Law Enforcement Training Center. This will help ensure industry facilities are maintaining proper security procedures for their sites and employees to encourage a safe and secure work environment.



Cannabis Control Office moved under the command of the Division of Justice Services within the Illinois State Police on May 1, 2021.

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410 ILCS 705/55-80 Annual reports. (c) The Department of State Police shall submit to the General Assembly and Governor a report, by September 30 of each year that contains, at a minimum, all of the following information for the previous fiscal year:

### (1) The effect of regulation and taxation of cannabis on law enforcement resources.

#### Division of Forensic Sciences

- a. Drug Chemistry Impact (FY21)
  - i. Assigned a forensic scientist to utilize the *Liquid Chromatograph Triple Quadrupole Mass Spectrometer (LCQQQ)* instrument to develop methods to screen and quantitate the THC content in plant material and infused products as part of method validation prior to implementation. This has an approximate salary cost of \$70,000.
- b. Drug Chemistry Impact (FY20-for comparison)
  - i. Procured *Liquid Chromatograph Triple Quadrupole Mass Spectrometer (LCQQQ)* instrument for the identification of THC in infused and food products. The LCQQQ instrument will also be utilized for the future development of methods for quantitation of THC in those sameproducts. Cost of \$401,525.
- c. Toxicology THC quantitation (FY21)
  - i. Purchase of additional columns, pre-columns and emerging drug standards at a cost of roughly \$4000.
- d. Toxicology THC quantitation (FY20- for comparison)
  - i. Procured a *Liquid Chromatograph Triple Quadrupole Mass Spectrometer (LCQQQ)* instrument for each Toxicology Section (Springfield and Chicago). Cost of \$407,467 per instrument for a total expense of \$814,994.

#### Oral Fluid Instrument Feasibility Program

- The Oral Fluid Feasibility Program has been continued in order to gather additional data to make a more informed decision on the future of the drug recognition program.
- The VistaFlow Swab purchase was finalized, and distribution of the tests and training were completed on July 14, 2021.
- Troopers throughout Illinois are now collecting data using three oral fluid testing methods; the Drager, the Sotoxa, and the VistaFlow Swab. Data is being reviewed monthly to ensure that tests are being consistently completed and data is recorded to ensure the success of the study.

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## **Drug Recognition Expert (DRE) Training**

- Planning has begun in preparation to hold the next Drug Recognition Expert (DRE) School early 2022.
- Budgeted for 20 students.

## **Advanced Roadside Impaired Driving Enforcement (ARIDE)**

- The Academy is continuing to schedule training for Advanced Roadside Impaired Driving Enforcement (ARIDE).
- Throughout the remaining six months of 2021, the Academy plans to put 166 Troopers through ARIDE classes at four different locations throughout the state.
- On June 15, 2021, twenty-one IDNR Officers passed the ARIDE class.

## **Division of Patrol**

In FY19 and FY20 the Illinois State Police (ISP) Division of Patrol (DOP) was immediately impacted in the area of manpower and use of resources due to the necessity for the development of training and the downtime required to train officers to handle a variety of situations involving cannabis including areas such as the transportation of cannabis and impairment due to cannabis.

The new legislation also required the ISP to plan and execute a phased approach to integrating canines that only source and alert to controlled substances while simultaneously evaluating the continued use of existing canines that alert to the odor of cannabis. Due to the new legislation, there was also a need to retrain officers and canine handler teams regarding the “free air sniff” that is no longer applicable if a cannabis imprinted canine is on scene, as previously established in Illinois v. Caballes. Instead, the use of a cannabis imprinted canine can only be utilized to add to the totality of the circumstances in regard to reasonable suspicion and probable cause to believe illegal activity is afoot.

## **Division of Criminal Investigation**

The information provided by DCI is based upon observations of special agents, communications with prosecutors and other law enforcement partners, and case material (open and completed cases) substantiating DCI’s assessment which focus on the growth of the illicit market, impact on other investigations, and evolving air operations.

## **PARALLEL GROWTH OF ILLICIT MARKET**

Since the legalization of cannabis in Illinois, DCI Metropolitan Enforcement Groups experienced a marked increase in cannabis seizures and has seen the illicit cannabis market significantly grow. For example, data from the DuPage Metropolitan Enforcement Group illustrates this trend:

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- In calendar year 2018, DUMEG agents seized 84,343.86 grams of illicit cannabis, with an approximate street value of \$843,438.60.
- In calendar year 2019, DUMEG agents seized 186,525.86 grams of illicit cannabis, with an approximate street value of \$1,865,258.60.
- In calendar year 2020, DUMEG agents seized 167,119.22 grams of illicit cannabis, with an approximate street value of \$3,342,384.40.

Between January 1 and June 31, 2021, DUMEG agents seized 6,050,788.56 grams of illicit cannabis, with an approximate street value of \$34,173,761.20. Along with cannabis, ISP personnel also identified and seized over \$180,000.00 in United States currency as drug proceeds; assault-style firearms; vehicles; other narcotics; computer equipment; as well as drug transaction records, all associated with the cannabis seizures.

Special agents engaged in drug enforcement during the period of legalization and regulation of cannabis in Illinois have noted the expanded cannabis consumer market, drawing in individuals who would not have previously ventured into what was formerly an unlawful activity. This has been the stated objective of the legal cannabis industry. Special agents have also noted the expanded and diverse consumer base is reflected in an increased illicit or unregulated cannabis market. Several factors may be at play in the expansion of the illicit market.

### ***PRICE DIFFERENTIALS BETWEEN LEGAL AND ILLICIT CANNABIS***

DUMEG indicated the illicit market value of a pound of cannabis can range from \$1,000.00 to \$2,000.00 in Northern Illinois. The range may be attributed to quality. The price per quantity of any illegal drug will vary based upon quality and how close you are to the original source or “how many hands it has to pass through” on the way to the consumer. Multiple separate drug enforcement units and agents developed the following averages of legal, regulated cannabis prices at multiple retailers:

- \$370 per ounce of flower (also referred to as “bud”)
- \$5,920 per pound of flower (if bulk purchasing allowed)

They have also noted the following average illicit market prices of cannabis in the same jurisdictions:

- \$200 per ounce of flower
- \$2,150 per pound of flower

Those consumers who purchase legal, regulated cannabis from Illinois dispensaries are paying nearly double the price of what illicit dealers charge for the same product(s). In addition, the sales to patrons of legalized dispensaries are tracked and video documented, as opposed to a “no questions asked” illicit transactions. A reasonable inference can be drawn that the relatively

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higher prices of cannabis sold at legal dispensaries drive cannabis consumers to a more financially attractive, less costly illicit cannabis market.

### ***LACK OF REGULATION IN OTHER STATES AND AT THE FEDERAL LEVEL***

Illinois is known for having the one of the most detailed, thorough and well-regulated legal cannabis industries in the nation contrasting sharply with states that were first to legalize. In addition, federal policy on cannabis has kept cannabis in an illegal status, but with little enforcement and ad hoc regulation. These factors have contributed to the expansion of the illicit market in Illinois. The high-grade cannabis seen in illicit seizures in Illinois generally originates from California, Oregon, and Colorado, mostly via the United States Postal Service, United Parcel Service, and the FedEx Corporation. Even though the trafficking of illicit, illegal cannabis continues to be facilitated through deliveries methods, as well as other package delivery outlets from outside source states, drug enforcement agents are contacted less frequently when packages carrying suspected illicit cannabis are identified since the legalization of adult recreational use. As a result of an increased illicit cannabis market, facilitated in part through these delivery methods, sales proceeds continue to be large sources of income for traffickers, in turn financing weapons and other drug purchases in Illinois and outside Illinois.

### **IMPACT ON INVESTIGATIONS OF DANGEROUS DRUGS AND VIOLENT CRIME**

ISP DCI Drug MEG, as well as Drug Task Force (TF) units, have noted that since the legalization and regulation of cannabis in Illinois, prosecutors (state and federal) are less likely to file criminal offenses involving even illicit cannabis, unless directly linked to more “serious” criminal offenses. Since nearly all complex criminal investigations, from public corruption to drug trafficking, requires the cooperation of lower level offenders providing critical information and evidence on higher level offenders, this trend has hindered the ability of the MEG and TF agents seeking the assistance and cooperation of confidential sources and other sources. Reduced cooperation from confidential or other sources continues to have a negative impact on the ability of agents to obtain critical evidence in furtherance of locating, prosecuting and combating narcotics such as fentanyl and firearms. MEG and TF units have observed increased acts of violence, including deaths, over the control of the increased illicit cannabis market during the period in which the growth of the illicit cannabis market has paralleled the expansion of the legal market. Many factors are indicated in the rise of violent crime across the state and the country, so the impact of the illicit cannabis market and cannabis policy on the investigation of violent crime warrants close monitoring and assessment in the years ahead.

### **AIR OPERATIONS**

A review of cash crop missions flown in the last five years (2016-2020) revealed that the details accounted for 16 percent of all of ISP Air Operations Bureau (Air Ops) flights. The cash crop mission flights included aerial searches and detection, eradication, and some undercover operations involving the illegal sale or transaction of large amounts of cannabis. The majority of the cash crop mission flight requests were initiated by ISP DCI investigative zones, Metropolitan Enforcement Group (MEG) units, and task forces, as well as local law enforcement agencies.

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Since the legalization and regulation of cannabis in Illinois, the ISP Air Operations Bureau has seen a decrease in the total number of cash crop flight mission requests from 65 in 2016 to 20 in 2021.

- (2) The impact of regulation and taxation of cannabis on highway and waterway safety and rates of impaired driving or operating, where impairment was determined based on failure of a field sobriety test.**

### **Division of Patrol**

One of the primary missions of the Division of Patrol revolves around criminal enforcement and the 360° State Trooper Concept which targets the growth of professional State Troopers, new and seasoned, through advanced training and development. The ISP's Division of Patrol fosters a culture that is proactively engaged in the pursuit of interdicting crime and preserving public safety.

The ISP's Statewide Criminal Patrol (CRIMPAT) Team is made up of 10-13 officers and is designed to target criminal enforcement as well as provide training and mentoring to other law enforcement officers both within and outside of the ISP. The ISP's CRIMPAT Team seized a total of 610,621.6 grams (1,346 lbs.) of illicit market cannabis (*illicit market cannabis is cannabis that is purchased or sold in violation of current laws in place*) in the months of January through June of 2019, a total of 728,032.3 grams (1,605 lbs.) of illicit market cannabis in the same months in 2020, and 219,992 grams (485 lbs.) of illicit market cannabis for the same months in 2021. Although there is a significant 19 percent increase in the quantity of illicit market cannabis seized by CRIMPAT between the 2019 and 2020 time frames, it is important to note that the ISP was in a Community Caretaker role due to the COVID-19 global pandemic for 10 weeks out of the six months being reviewed in FY20. It should be noted, between the aforementioned timeframes (January-June) in 2020 and 2021 there was a significant 69 percent decrease in the quantity of illicit market cannabis seized by CRIMPAT; however, seizures by CRIMPAT between calendar year 2019 and calendar year 2020 showed a 45 percent increase.

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ILLINOIS STATE POLICE AGENCY SEIZURE SUMMARY							
CONTRABAND	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019	CY 2020	2021 YTD 06/30/21
Illicit Market Cannabis (in pounds)	2,561	5,539	6,642	4,886	5,846	3,639	1,184

\*Data acquired from STIC/EPIC

\*CY- Calendar Year

ILLINOIS STATE POLICE CRIMPAT DETAIL SEIZURE SUMMARY							
CONTRABAND	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019	CY 2020	2021 YTD 06/30/21
Illicit Market Cannabis (in pounds)	N/A	1,066	2,410	2,720	2,261	3,292	485

\* Data acquired from detail summaries

\* CY- Calendar Year

ILLINOIS STATE POLICE CRIMPAT DETAIL SEIZURE SUMMARY BY MONTH						
2019	Jan	Feb	March	April	May	June
Illicit Market Cannabis (in pounds)	556	160	1	185	291	153.7
2020	Jan	Feb	March	April	May	June
Illicit Market Cannabis (in pounds)	640	497	367	0	0	101
2021	Jan	Feb	March	April	May	June
Illicit Market Cannabis (in pounds)	56	84	202	80	36	27

\* Data acquired from detail summaries

It should be noted statistics gathered in FY20 may not give the most accurate depiction of the overall impact of the Cannabis Regulation and Tax Act due to the Act not going into effect until the second half of FY20. Furthermore, from March 22, 2020, thru May 29, 2020, the Division of Patrol's enforcement efforts were switched to a Community Caretaking role as a result of the COVID-19 global pandemic. The Statistical Data provided below includes information from the second half of FY19 in comparison to the second half of FY20 and FY21 for a more accurate overall statistical comparison. Two of the most notable increases in the first chart below between the FY19 and FY20 months reveal a 52 percent increase in cannabis related Driving Under the Influence charges (DUI Combination with a Cannabis Nexus). This is a significant increase when

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you factor in the decrease in enforcement activity due to COVID-19. This was followed by a 19 percent increase from FY20 to FY21. Another significant increase was in the number of charges for Unlawful Possession of Cannabis in a Vehicle, the number of charges from FY20 to FY21 increased by 145 percent. There were also significant decreases to report from FY20 to FY21 including an 82 percent decrease in the number of cannabis trafficking charges, a 46 percent decrease in the number of possession of cannabis charges and a 75 percent decrease in the number of crashes involving cannabis.

**Table of Cannabis related charges/offenses below:** Please note, the cannabis trafficking information below contains information for the number of charges for each category. All of the statistics below were ad hoc (advanced searches) inquiries conducted by the Department of Innovation and Technology (FY19 and FY20) and by the Division of Patrol (DOP) for FY20. DoIT was asked by the DOP to perform each search by looking through all Field Reports and Citations entered into our TraCS software during the reporting time period. The “Crashes Involving Cannabis” and “DUI Combination” categories were derived from a manual search for the word “Cannabis” in the narrative of the report; the same actions were taken by DOP to produce results for FY20. Currently, we do not have a way to specifically mine the data for those two categories.

The Illinois State Police has identified four main violations that contribute to fatalities, otherwise known as the “Fatal Four,” one of these violations is Driving Under the Influence. Division of Patrol Officers have focused enforcement efforts on Fatal Four violations throughout the years, including all the years and timeframes DOP provided statistics for below. Another Department goal has always been to educate the public on safety issues via safety education presentations, social media posts, press releases etc. It is important to note however, as previously noted in the FY20 annual cannabis report, that the Division of Patrol was in a community caretaker role for 10 weeks out of the 6 months for the FY20 months being reported below. This may have certainly been a factor in the number of crashes involving cannabis showing a sharp increase for FY20, but it is difficult to state this as a matter of fact.

**Important Note: All statistics provided are Illinois State Police Statistics only and are not representative of all law enforcement agencies statewide.**

Offense	Jan - June FY19	Jan - June FY20	Jan-June FY21
Cannabis Trafficking	53	39	7
Manufacture/Delivery	43	25	24
Possession	276	178	96



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DUI Cannabis	2	5	<b>11</b>
DUI Combination w/Cannabis Nexus <i>(please see geographical location breakdown below)</i>	107	163	<b>195</b>
Crashes Involving Cannabis	38	88	<b>22</b>
Medical Cannabis Charges	7	12	<b>22</b>
Unlawful Possession in Vehicle*	N/A	305	<b>749</b>

\*Effective 1/1/20

DUI Combo w/Cannabis Nexus	Jan - June FY19	Jan - June FY20	Jan - June FY21
<b>NORTH</b>			
District 1	0	0	3
District 2	5	6	6
District 5	2	4	4
District 7	6	11	8
District 16	0	1	3
District 17	5	1	12
<b><u>TOTAL</u></b>	<b>18</b>	<b>23</b>	<b>36</b>
<b>CHICAGO</b>			
District 3	41	75	78
District 15	19	13	21
<b><u>TOTAL</u></b>	<b>60</b>	<b>88</b>	<b>99</b>
<b>CENTRAL</b>			
District 6	2	4	3

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District 8	4	2	0
District 9	2	10	11
District 10	6	6	6
District 14	3	5	6
District 20	0	3	2
District 21	2	4	7
<b><u>TOTAL</u></b>	<b>19</b>	<b>34</b>	<b>35</b>
<b>SOUTH</b>			
District 11	4	7	9
District 12	3	3	2
District 13	0	1	2
District 18	3	4	8
District 19	0	1	4
District 22	0	2	0
<b><u>TOTAL</u></b>	<b>10</b>	<b>18</b>	<b>25</b>
<b><u>DOP TOTAL</u></b>	<b>107</b>	<b>163</b>	<b>195</b>

Between the FY19 and F20 reporting periods, as a Department there was in fact a 52% increase statewide for this section (DUI Combo with Cannabis Nexus). Between FY19 and FY20, there was an 82% increase (with the number increasing from 41 to 75) in District Chicago (District 3), and between these same time frames there was a decrease in District 17 of 80%, however this decrease was from 5 to 1). The Illinois State Police has identified four main violations that contribute to fatalities, otherwise known as the “Fatal Four,” one of these violations is Driving Under the Influence. Division of Patrol Officers have focused enforcement efforts on Fatal Four violations throughout the years, including all the years and timeframes DOP provided statistics for. Another Department goal has always been to educate the public on safety issues via safety education presentations, social media posts, press releases etc. It is important to note however, as previously noted in the FY20 annual cannabis report, that the Division of Patrol was in a community caretaker role for 10 weeks out of the 6 months for the FY20 months being reported below. This may have certainly been a factor in the number being reported and the sharp increase for FY20, but it is difficult to state this as a matter of fact.

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DUI Cannabis	Jan - June FY19	Jan - June FY20	Jan - June FY21
<b>NORTH</b>			
District 7	0	1	0
District 17	0	0	2
<b><u>TOTAL</u></b>	<b>0</b>	<b>1</b>	<b>2</b>
<b>CHICAGO</b>			
District Chicago	0	1	5
<b><u>TOTAL</u></b>	<b>0</b>	<b>1</b>	<b>5</b>
<b>CENTRAL</b>			
District 8	1	0	0
District 9	0	1	2
District 20	1	2	1
<b><u>TOTAL</u></b>	<b>2</b>	<b>3</b>	<b>3</b>
<b>SOUTH</b>			
District 18	0	0	1
<b><u>TOTAL</u></b>	<b>0</b>	<b>0</b>	<b>1</b>
<b><u>DOP TOTAL</u></b>	<b>2</b>	<b>5</b>	<b>11</b>

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**(3) The available and emerging methods for detecting the metabolites for delta-9-tetrahydrocannabinol in bodily fluids, including, without limitation, blood and saliva.**

### Division of Forensic Science

**FY21-** ISP DFS continued the use of established methods and procedures to provide the toxicological services of detecting Delta-9 Carboxy THC (THC metabolite) in blood and urine and quantitating Delta-9 THC in blood. The blood quantitation procedure was modified during FY21 to ensure Delta-8 Carboxy THC would not interfere with the detection of Delta-9 Carboxy THC in blood and Delta-8 THC would not interfere with the quantitation of Delta-9 THC in blood.

**FY20 (for comparison)-** ISP DFS continued the use of methods and procedures established in FY19 to provide the toxicological services of detecting Delta-9 Carboxy THC (THC metabolite) in blood and urine and added the service of quantitating Delta-9 THC in blood as a pilot program. These procedures moved from a Pilot Project to full implementation during FY20.

**Crime Scene Services-** In FY21, Cannabis Control Office funding was used to purchase equipment to assist with evidence intake and processing. There may be some other global fiscal impacts such as time and resource allocation, but that is not necessarily tracked fiscally and likely would be captured by the laboratories. The FY21 purchase was for use in the evidence vaults since DFS assumed authority over the Statewide Evidence Vault. The following were purchased: 50 thermal printers at a cost of \$34,965 and 23 ID scanners at a total cost of \$8,694. No information was supplied for comparison in FY20.

**(4) The effectiveness of current DUI laws and recommendations for improvements to policy to better ensure safe highways and fair laws.**

### Division of Academy and Training

Illinois compiled statute 625 ILCS 5/11-501(a)(7) restricts the amount of time an officer must collect an evidentiary sample of whole blood or other bodily substance from a driver suspected of driving under the influence of cannabis. The officer has two hours from the time the subject was driving or in actual physical control of a vehicle to obtain the evidentiary sample. This is the only subsection of the 625 ILCS 5/11-501 statute which places a time restriction on the officer to collect the evidentiary sample. In rural areas where hospitals are not as prevalent, the two-hour restriction is even more problematic.

Currently, there is no way to statistically track the prevention of evidence gathering due to the two-hour time limit. In most cases, if the time since the subject was driving is longer than two hours, the officer does not do the test because they know the charges will not stand.

The Impaired Driving Section does field many complaints from officers throughout Illinois because they are not able to meet this timeframe. Upon receipt of this request, Sgt. Pappas, Impaired Driving Coordinator reached out to Ms. Jennifer Cifaldi, Illinois Traffic Safety Resource

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Prosecutor (TSRP) to see if she had data on this topic. She also does not, however, she volunteered to post a request for information to the impaired driving group she heads. In less than 24 hours, three specific instances were sent to her. In all three of these fatality cases prosecution is doubtful due to the two-hour time limit.

### **Division of Patrol**

The ISP trains officers to recognize and enforce impairment in order to ensure the safety of the motoring public with the goal of preventing tragedies, such as serious injuries and the loss of life, from occurring. The effectiveness of current DUI laws relies on the ability of law enforcement officers to utilize their on-scene observations to navigate through the next necessary steps in order to investigate illegal activity. It is imperative law enforcement officers have all the necessary tools to identify illegal activity such as impairment, in order to ensure all motorists who travel on our roadways are safe. In addition to having the proper tools, law enforcement must also be allowed adequate time to conduct investigations into impaired driving, especially in circumstances involving fatal or complex crashes. A recommendation to help provide the needed tools would be for law enforcement officers to continue to have the ability to conduct an investigation based on the odor of cannabis coming from inside the vehicle and the evidence of unlawfully transported cannabis inside the motor vehicle. Allowing these two factors to be considered probable cause to conduct an investigation based upon the belief the driver is impaired and the occupants are engaged in illegal activity, similar to the illegal transportation of alcohol in a motor vehicle, helps ensure the safety of all Illinois roadway travelers.

As mentioned above, sufficient time must be permitted for complex investigations into impaired driving. Currently, 625 ILCS 11-501 (a) (7), provides officers with a timeframe as to when the collection of whole blood (or bodily substance) must be collected from a person in order to determine the concentration of tetrahydrocannabinol, which is two hours from the person driving or being in actual physical control of a vehicle. This two-hour limit can present significant logistical problems when officers are investigating complex, multiple vehicle crashes or don't have immediate access to toxicology collection kits or the facilities and medical personal required to collect blood. In addition, in the event a driver does not consent to collection of blood or urine, additional time may be required to apply for a search warrant to obtain this evidence.

It is the recommendation of the Division of Patrol, this two-hour time frame be removed from statute altogether or replaced with a more reasonable time frame, as the two-hour time frame is not always reasonable for every situation an officer encounters. No two traffic stops, traffic crashes, or incidents are identical in nature. Some incidents involve multi-car pile-ups that completely shut down roadways for an extended amount of time, others may involve an on-scene investigation after an initial traffic stop was conducted, not to mention the time spent on-scene is then added to the time it takes to transport a person to a location (e.g. a hospital) where a sample can be collected. The ISP believes officers should be afforded the opportunity to effectively execute their on-scene responsibilities in a reasonable amount of time, which may not always be under two hours, and still have the opportunity to collect a sample from a person to determine the tetrahydrocannabinol concentration level.

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The Division of Patrol does not have any case studies or statistics to provide as this would be a difficult statistic to accurately track. The Division of Patrol would need to incorporate a tracking mechanism with our report writing software which would allow officers to indicate when the 2-hour rule hindered the investigation and evaluate it over a reasonable amount of time. It should be noted this data would only be helpful when a Field Report is initiated. If an officer does not make an arrest but the timeframe was an issue, then the information would not be collected at all.

### **Division of Justice Services**

On May 1, 2021, the Illinois State Police Cannabis Control Office was moved from the Division of Criminal Investigation to the Division of Justice Services. The Division of Justice Services provides administrative and technical information services to criminal justice agencies across Illinois. These services include the Law Enforcement Agencies Data System (LEADS), Criminal History Record Information (CHRI) repository, Firearm Owner Identification Card (FOID), Firearm Concealed Carry License (FCCL), Firearm Dealer Licensing (FDL), Uniform Crime Reporting (UCR), National Incident-Based Reporting System (NIBRS), and the Sex Offender Registry. The regulation and oversight of both medical and recreational cannabis industries was more suited to the missions of the Division of Justice Services, than the Division of Criminal Investigation.

# Illinois State Police FY21 Annual Report

## CANNABIS BACKGROUND AND EXPUNGEMENT STATISTICS

### FY20 & FY21

#### CANNABIS RELATED BACKGROUND TOTALS

- Average processing time is in days

FY 20

DESCRIPTION	TOTAL	AVERAGE PROCESSING TIME	# LESS THAN 48 HOURS	% LESS THAN 48 HOURS
PRINCIPAL OFFICERS,BOARD MEMBERS AND AGENTS CULTIVATION CENTER	108	2	104	96.30%
PRINCIPAL OFFICERS,BOARD MEMBERS AND AGENTS OF A CRAFT GROWER	2,818	2	2,688	95.39%
PRINCIPAL OFFICERS,BOARD MEMBERS AND AGENTS OF CANNABIS INFUSER	740	1	713	96.35%
PRINCIPAL OFFICERS,BOARD MEMBERS AND AGENTS CANNABIS TRANSPORTER	1,097	2	1,044	95.17%
CANNABIS CULTIVATION AGENT	2,087	2	1,937	92.81%
CANNABIS DISPENSING AGENT	4,474	2	4,248	94.95%
CANNABIS VOCATIONAL TRAINING	0	0	0	0.00%
DISPENSING ORGANIZATIONAGENT	4,311	2	4,012	93.06%
	<b>15,635</b>	<b>2</b>	<b>14,746</b>	<b>94.31%</b>

FY 21

DESCRIPTION	TOTAL	AVERAGE PROCESSING TIME	# LESS THAN 48 HOURS	% LESS THAN 48 HOURS
PRINCIPAL OFFICERS,BOARD MEMBERS AND AGENTS CULTIVATION CENTER	86	1	84	97.67%
PRINCIPAL OFFICERS,BOARD MEMBERS AND AGENTS OF A CRAFT GROWER	68	2	63	92.65%
PRINCIPAL OFFICERS,BOARD MEMBERS AND AGENTS OF CANNABIS INFUSER	40	1	37	92.50%
PRINCIPAL OFFICERS,BOARD MEMBERS AND AGENTS CANNABIS TRANSPORTER	79	1	75	94.94%
CANNABIS CULTIVATION AGENT	3,115	1	2,931	94.09%
CANNABIS DISPENSING AGENT	5,668	0	5,490	96.86%
CANNABIS VOCATIONAL TRAINING	0	0	0	0.00%
DISPENSING ORGANIZATION AGENT	910	0	889	97.69%
	<b>9,966</b>	<b>1</b>	<b>9,569</b>	<b>96.02%</b>

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### OMNIBUS CANNABIS EXPUNGEMENT ORDERS

There were not any cannabis related expungements processed in FY20. The expungement of cannabis offenses commenced in FY21 following the amendatory changes to the Criminal Identification Act that ensued from the passage of the Cannabis Regulation and Tax Act.

- Prisoner Review Board and Governor's Pardon Process
  - As of July 21, 2021, the Illinois State Police has received and completely processed omnibus orders from 63 counties. In the aggregate, the work done on these 63 orders is equivalent to processing 9,144 separate court orders. A total of 9,144 individuals received 12,520 minor cannabis offenses expunged impacting 9,558 arrest events.
- Cook County State's Attorney's Office Vacate and Expunge Process
  - The Cook County State's Attorney's Office filed motions to vacate and expunge violations of the Cannabis Control Act. As of July 21, 2021, the Illinois State Police has received and completely processed 760 orders as a result of this endeavor. In the aggregate, the work done on these 760 orders is equivalent to processing 760 separate court orders. A total of 760 individuals received 760 minor cannabis offenses expunged impacting 760 arrest events.
- Will County State's Attorney's Office Vacate and Expunge Process
  - The Will County State's Attorney's Office filed motions to vacate and expunge violations of the Cannabis Control Act. As of July 21, 2021, the Illinois State Police has completely processed the omnibus order it received as a result of this endeavor. In aggregate, the work done on the omnibus order is the equivalent to processing 1,229 separate court orders. A total of 1,229 individuals received 1,368 minor cannabis offenses expunged impacting 1,300 arrest events.
- McHenry County State's Attorney's Office Vacate and Expunge Process
  - The McHenry County State's Attorney's Office filed motions to vacate and expunge violations of the Cannabis Control Act. As of July 21, 2021, the Illinois State Police has completely processed the omnibus order it received as a result of this endeavor. In aggregate, the work done on the omnibus order is the equivalent to processing 537 separate court orders. A total of 537 individuals received 727 minor cannabis offenses expunged impacting 437 arrest events.



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### **AUTOMATIC EXPUNGEMENT OF MINOR CANNABIS OFFENSE RECORDS**

The programmatic expungement of minor cannabis non-conviction records from the criminal history record information (CHRI) production database concluded on December 18, 2020. As of January 2021, minor cannabis records associated with 501,733 separate arrest events were expunged from the criminal history transcripts of 320,399 individuals. Post production quality assurance (QA) review is in progress. Final totals will be available after the QA review is completed.

### **EFFECT OF REGULATION AND TAXATION ON RESOURCES**

The ISP has expended significant personnel resources in order to fulfill its numerous responsibilities that ensued from the passage of the Cannabis Regulation and Tax Act. These responsibilities include the processing of cannabis related background checks and expungement of certain violations of the Cannabis Control Act. Unfortunately, the ISP did not record or track with particularity, the time personnel devoted to processing cannabis related backgrounds and expungement mandates. Consequently, the Agency is unable to provide any accurate numbers concerning the time and money expended to accomplish these responsibilities.

Generally, the ISP is empowered to establish and charge fees for the processing of orders to expunge and disseminate criminal history record information (CHRI) to authorized requesters. The fees are based on and cannot exceed the actual costs to disseminate the background information (CHRI) and process orders to expunge. The general costs include, but are not limited to, personnel, supervision, training, telephone, electric, equipment, printing, postage, facilities, forms, and miscellaneous related costs.

Perhaps a suitable estimate of the cost of the cannabis related backgrounds processed can be gleaned from a review of the fees charged for these background checks. The tables below show the fees for cannabis related transactions for FY20 and FY21. The State fee for processing a cannabis related background check request is \$15. The ISP retains \$2 of the FBI fee (\$13.25) to cover administrative costs for channeling the FBI criminal history transcript to the requester.

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<b>FBI_IND</b>	<b>FEE</b>	<b>FY 20</b>	<b>FY 20 Total Fees</b>	<b>State Fees</b>	<b>FBI Fees</b>
State & FBI	\$28.25	15,614	\$441,095.50	\$265,438.00	\$175,657.50
State Only	\$15.00	15	\$225.00		
FBI Only	\$13.25	6	\$79.50		
		<b>15,635</b>	<b>\$441,400.00</b>		

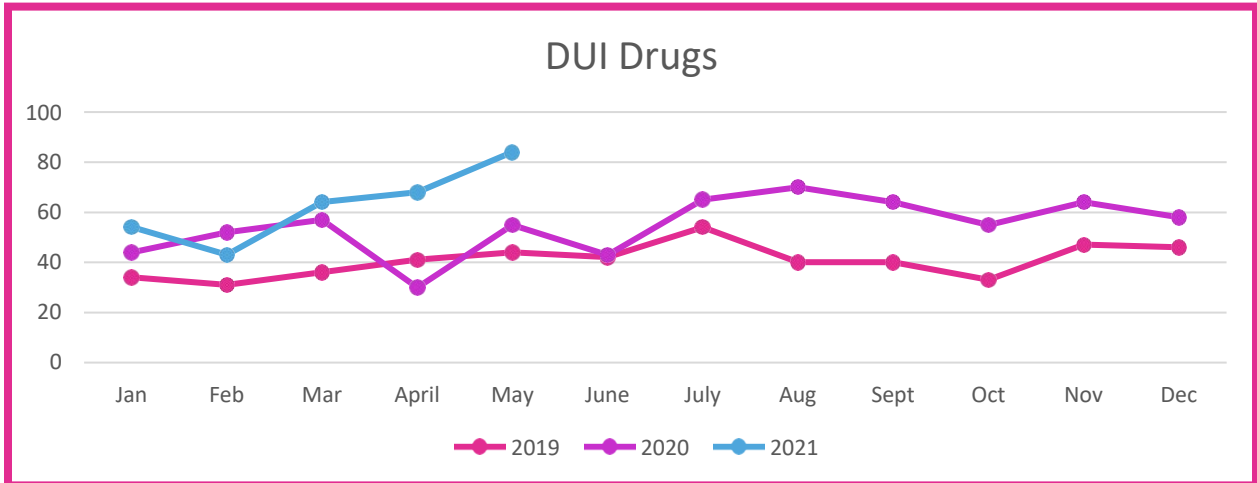
<b>FBI_IND</b>	<b>FEE</b>	<b>FY 21</b>	<b>FY 21 Total Fees</b>	<b>State Fees</b>	<b>FBI Fees</b>
State & FBI	\$28.25	9,956	\$281,257.00	\$169,252.00	\$112,005.00
State Only	\$15.00	5	\$75.00		
FBI Only	\$13.25	5	\$66.25		
		<b>9,966</b>	<b>\$281,398.25</b>		

A possible estimate of the costs associated with the processing of cannabis related expungement orders can be determined from multiplying the number of cannabis related orders processed by the currently established fee (\$60) for processing expunge/seal orders. The ISP completed 15,635 and 9,966 cannabis related background checks in FY20 and FY21 respectively. This would yield approximate processing costs of \$938,100 for FY20 and \$597,960 for FY21. This does not include an estimate of the costs associated with the automatic expungement of non-conviction minor cannabis offense records. Although significant time and personnel resources were, and continue to be, dedicated to identifying the eligible records, developing programing, executing the programmatic expungement, and engaging in quality assurance review, an accurate accounting of the costs to complete this part of the project are unavailable. ISP did not track/record, with sufficient particularity, the amount of time personnel solely devoted towards accomplishing this objective.

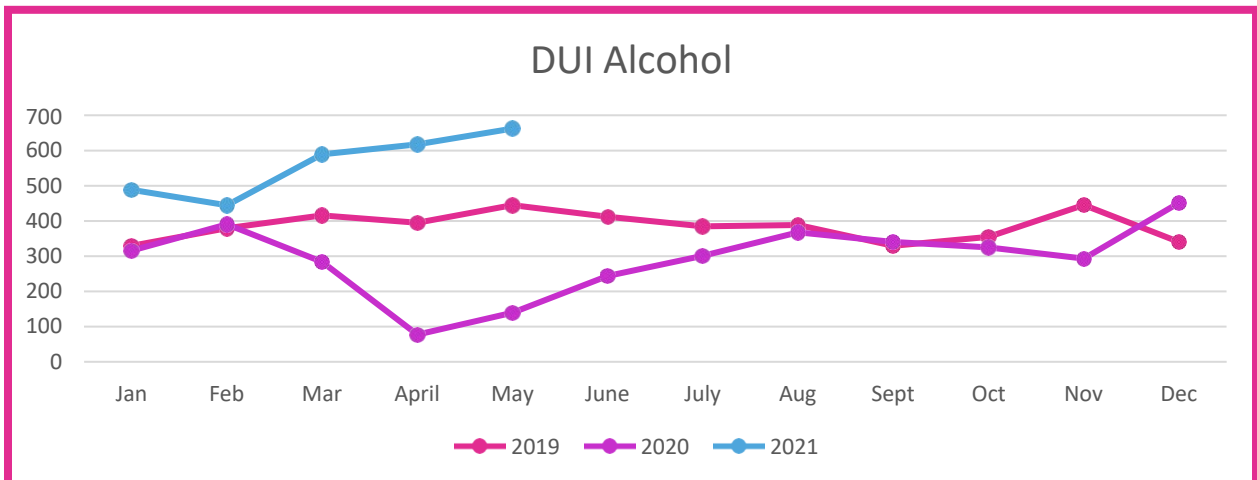
# Illinois State Police FY21 Annual Report

## Additional Tables, Charts, and Analytics

\*calendar year

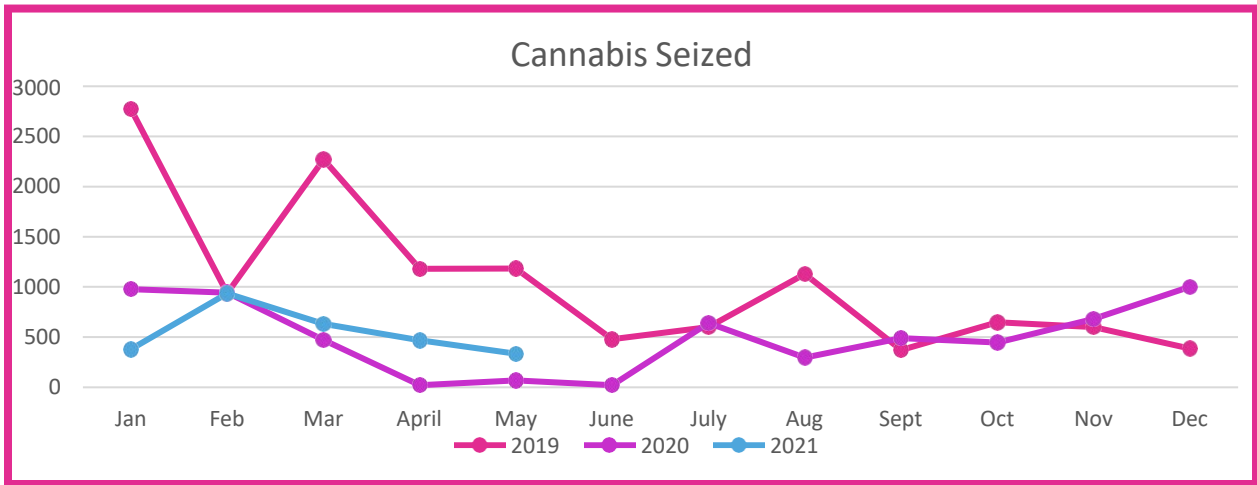


DUI Drugs	
2019	488
2020	657
2021	374 (Jan-June)



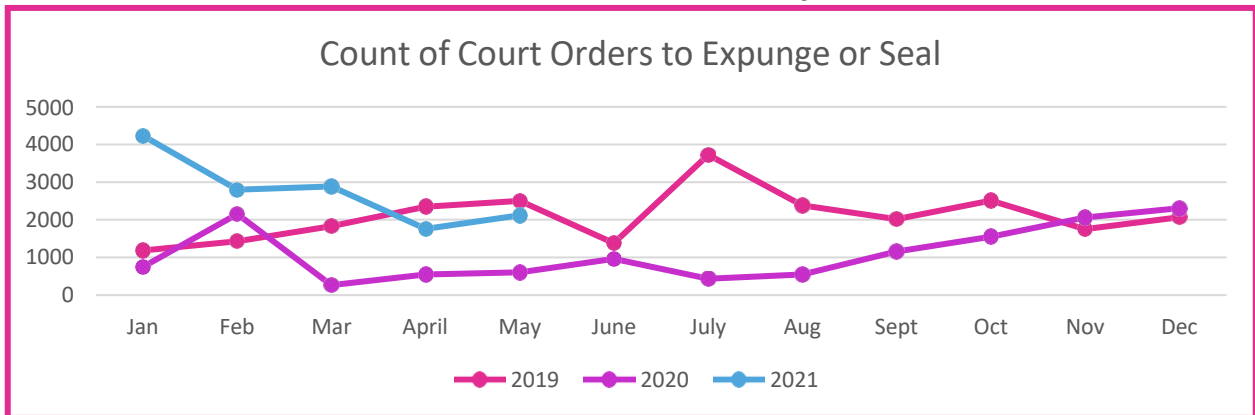
DUI Alcohol	
2019	4,613
2020	3,525
2021	3,292 (Jan-June)

# Illinois State Police FY21 Annual Report

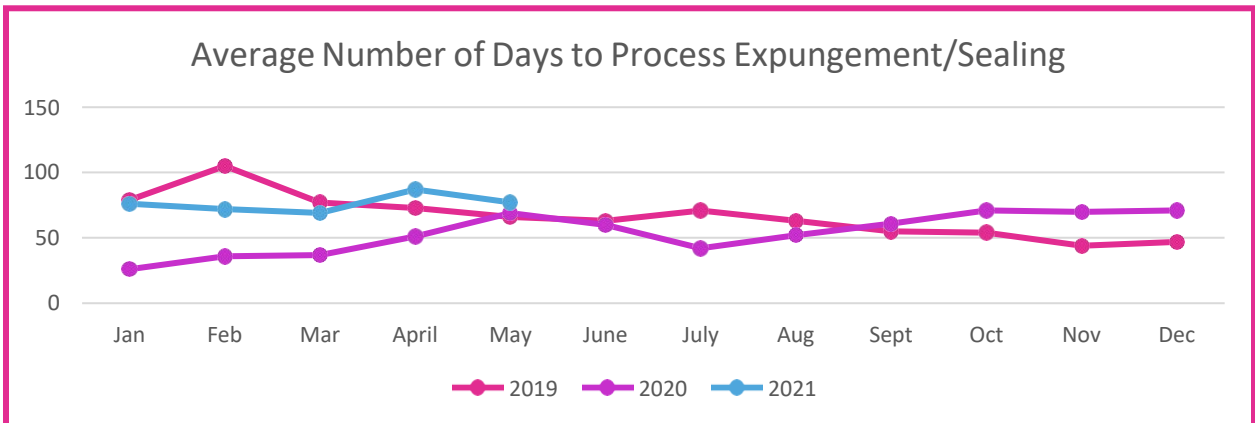


Cannabis Seized (lbs)	
2019	<b>12,547.61</b>
2020	<b>6,071.63</b>
2021	<b>13,660.8 (Jan-June)</b>

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Number of Court Orders Expunged or Sealed	
2019	<b>25,152</b>
2020	<b>13,358</b>
2021	<b>16,049 (Jan-June)</b>



Average Number of Days to Process Expungement or Sealing	
2019	<b>66.42</b>
2020	<b>53.83</b>
2021	<b>76.17 (Jan-June)</b>