

**CAPITAL PUNISHMENT REFORM STUDY**  
**COMMITTEE**

**Minutes of meeting January 28, 2008**

The twenty-seventh meeting of the Capital Punishment Reform Study Committee was held at the Illinois Criminal Justice Information Authority, 120 S. Riverside Plaza, Chicago, Illinois from noon to 2:30 P.M.

Those present

Leigh B. Bienen

James R. Coldren, Jr.

Kirk W. Dillard (via teleconference)

Jeffrey M. Howard

T. Clinton Hull (via teleconference)

Boyd J. Ingemunson (via teleconference)

Edwin R. Parkinson (via teleconference)

Charles M. Schiedel (via teleconference)

Not present

Gerald E. Nora

Geoffrey R. Stone

Arthur L. Turner

Michael J. Waller

Richard D. Schwind

Randolph N. Stone (via teleconference)

Thomas P. Sullivan

Also present: Catherine McMillan, Campaign To End the Death Penalty; Kyle Kirts, Staff Attorney, House Republican Staff; Mark Warnsing, Legal Counsel, Senate Republican Staff (via teleconference); Lori Levin, Executive Director of CJIA (part of meeting); and Kathleen Monahan, Project Director, Illinois Violent Death Reporting System.

The minutes of the Committee meeting held on December 11, 2007 were approved.

*1. Committee funding for FYE 6/30/08 and 6/30/09.*

Messrs. Dillard and Kirts and Ms. Levin agreed that there seems no prospect of the Committee receiving funding for the FYE 6/30/08.

With respect to funding for FYE 6/30/09, Ms. Levin said that CJIA has submitted a “shell bill” (no amounts given) budget proposal for the coming fiscal year which does not include any reference to or amount for the CPRSC. Mr. Dillard agreed to speak with Mr. Turner, and have shell bills introduced in both the Senate and House requesting \$250K for the Committee for the FYE 6/30/09, to be included within the CJIA budget.

Ms. Levin said she will have Thomas Nolan monitor these bills, as well as the CJIA budget proposal.

2. *Disclosure of economic interest forms.*

Mr. Sullivan reminded members to complete and send to the Secretary of State Index Division the form entitled “Disclosure of Appointee Interest in State Contracts,” which is appended as Appendix 1 to the Committee minutes of December 11, 2007.

3. *David Olson's surveys.*

Mr. Olson reported that the surveys to be sent to State's Attorneys and Public Defenders are complete, approved by the Loyola University IRB, and ready for mailing. It was agreed that before the survey forms are mailed Messrs. Sullivan and Schwind will send a letter to all recipients advising that the surveys will be sent, explain the reasons for the surveys, and request cooperation. Their letter will also be sent to the IL Attorney General, the IL State Appellate Prosecutor, and the IL State Appellate Defender (Michael J. Pelletier has been appointed to replace Mr. Gottfried, who resigned effective December 31, 2007). Despite the lack of available funding, Mr. Olson said he will have his students enter the data from the forms as they are received, and he will analyze the data and report the results to the Committee.

Mr. Olson explained that without funding, he is unable to advance the cost of proceeding with the surveys to police and sheriffs. After discussion of alternate means of paying for the mailing of those surveys, on motion and second, it was agreed unanimously that the mailing of those surveys will be postponed until funding is available. In this way, the data received will not become stale between the time it is received and the time the data is entered and analyzed.

*4. Extension of Committee's tenure to 12/31/09.*

After discussion, on motion and second, it was agreed unanimously that Messrs Dillard and Turner will pursue by appropriate legislation the extension of the Committee's tenure through December 31, 2009. This will also be addressed in the Committee's Fourth Annual Report, now in preparation.

5. *Reports of subcommittees.*

(1) *Report of subcommittee 1– Police and investigations.*

The subcommittee last met in a joint meeting with subcommittee 4 on September 17, 2007. The minutes of that meeting were attached as Appendix 4 to the full Committee minutes of November 7, 2007; a corrected version of these minutes is attached hereto as Appendix 1.

The members will confer to agree on inserts and recommendations for the Fourth Annual Report, and to discuss areas for the study in 2008.

Mr. Coldren circulated “Suggested Readings: Police Lineups and Eyewitness Identification,” attached as Appendix 2.

(2) *Report of subcommittee 2 - Eligibility for capital punishment and proportionality.*

Ms. Bienen stated that the subcommittee has not met since the last full Committee meeting. She said she will prepare an

overview of the subcommittee's work in 2007 for inclusion in the Fourth Annual Report. The subcommittee may postpone further meetings until it receives Mr. Olson's analysis of the surveys to prosecutors and public defenders.

*(3) Report of subcommittee 3 - Trial court proceedings.*

Mr. Howard stated that the subcommittee met from 11 AM until noon today. The minutes of the subcommittee's meetings on August 7 and October 31 have been approved, and are attached as Appendices 3 and 4.

Mr. Howard said that during this year the subcommittee will focus on: jury questionnaires for capital trials; gathering the common law records of capital trials that have been tried since January 1, 2003; proposed legislation regarding the requirement that there be no doubt that capital punishment is appropriate, to be given to the jury in the sentencing phase, to replace the

current requirement that capital punishment be deemed appropriate beyond a reasonable doubt. He stated that a “no doubt” bill was introduced in the 94th General Assembly, passed the House but was not acted upon by the Senate.

(4) *Report of subcommittee 4 - Post-conviction proceedings, DNA and general topics.*

Mr. Schiedel reported that the subcommittee has not met since the last full committee meeting. He stated that he plans to meet soon with Mr. Nora regarding subjects to be pursued by the subcommittee this year, including training judges and lawyers for capital litigation.

6. *Other business.*

(1) *The impact of the Illinois Truth in Sentencing Act.*

The Illinois Truth in Sentencing Act (TIS Act), enacted in 1997, requires that persons convicted of first degree murder must serve the entire sentence imposed, without good time credit



or parole. 730 ILCS 5/3 - 6-3. Mr. Olson stated that those sentenced to imprisonment for first degree murder since the passage of the TIS Act are serving about twice as long as those sentenced before the act was passed.

Mr. Olson distributed charts (which he asked that we not publicize) containing analyses of first degree murder sentences meted out in Illinois during the past several decades. He stated that the previously observed disparities between rural and urban areas in sentencing of persons found guilty of first degree murder, that is, more severe sentences imposed in rural areas, has dropped dramatically since the passage of the TIS Act. There has also been a reduction in the number of death sentences, and sentences of life imprisonment.

*(2) Prison Rape Elimination Act.*

Mr. Olson said that on February 4 at 10 AM, there will be a presentation on first wave of information collected pursuant to

the Prison Rape Elimination Act of 2003 (P.L.108-79). That act requires the U.S. Department of Justice Bureau of Justice Statistics to develop and implement national data collections on the prevalence and nature of sexual assaults within correctional facilities. The brochure circulated by Mr. Olson about this presentation is attached as Appendix 5.

*(3) Illinois Violent Death Reporting System.*

Ms. Kathleen Monahan, Project Director of the Illinois Violent Death Reporting System spoke to the Committee. This organization is funded by the IL Department of Public Health, and is located at Children's Memorial Hospital Research Center. This system was developed to obtain and centralize data about violent deaths in Illinois, with a view to help preventing violent deaths, including both homicide and suicide. At this time, the System has collected data from Cook, DuPage, McHenry, Lake and Will counties, and has plans to add an additional four collar

counties, which will account for approximately 70% of the state's population. The ultimate goal is to obtain a statewide database. The System's website is [www.chdl.org](http://www.chdl.org). The brochure circulated by Ms. Monahan is attached as Appendix 6.

*(4) Presentation by Catherine McMillan.*

Ms. Catherine McMillan of the Campaign To End the Death Penalty spoke to the Committee about a woman who received a capital sentence, and is committed to the IL Department of Corrections. The DOC is unable to provide her with adequate health care. She is now being held indefinitely at the University of Illinois Hospital in Chicago.

*7. Next meeting – Tuesday, March 4, 2008, at noon.*

It was agreed that the next full Committee meeting will be held on Tuesday, March 4, 2008 at noon, at the office of the Illinois Criminal Justice Authority, which is to be relocated from its present quarters at 120 S. Riverside Plaza, Chicago, IL. In

the event CIJA's new offices are not then prepared for a meeting such as ours, the meeting will be held at the offices of Jenner & Block 330 N. Wabash, 40th floor, Chicago, IL.

Thomas P. Sullivan  
Chair  
February 19, 2008

Attachments – Appendices 1-6.

**Capital Punishment Reform Study Committee**  
**Corrected Minutes of joint meeting of Subcommittees 1 (Police and**  
**Investigations) and 4 (Post-conviction proceedings)**

**September 17, 2007**  
**Illinois Criminal Justice Information Authority Office**  
**2-4 pm**

Subcommittees 1 and 4 met to hear from experts on training matters on September 17, 2004, from 2-4 pm at the offices of the Illinois Criminal Justice Information Authority. Attending were James R. "Chip" Coldren, Jr., Theodore Gottfried, Tom Sullivan, Richard D. Schwind, Jeff Howard, Leigh Bienen, and Jerry Nora. Invited presenters included Bernard Murray (Cook County State's Attorney's Office), Dan Nelson (Illinois Law Enforcement Training and Standards Board), Paul Taylor (Administrative Office of the Illinois Courts), Crystal Marchigiani (Cook County Public Defender's Office), and Ellen Mandeltort (Illinois Attorney General's Office).

Chip Coldren welcomed the invited presenters and reviewed the purpose of this joint subcommittee meeting – to learn about training developed and implemented in reaction to legislative reforms regarding the death penalty in Illinois, some of which explicitly required new training, the scope of the training and topics covered, number of training sessions held and number of individuals trained, geographic areas of the state covered by training, obstacles encountered in

the course of conducting training, and future directions and recommendations regarding training on death penalty matters in Illinois.

Mr. Murray of the Cook County State's Attorney's Office (CCSAO) began the testimony, explaining that the CCSAO developed the first accredited CLE on death penalty matters in Illinois, a 2-day training session; this session was reviewed and approved by Judge Toomin of the Capital Litigation Trial Bar Capital Case Committee. The CCSAO training program is lecture and trial advocacy based. It was offered twice, once in August 2005 in Oakbrook, IL (approximately 225 trainees) and again in June 2007 (approx. 180 trainees). The CCSAO offered a 12-hour training session in Springfield (date unknown), which was well attended. In addition, the State Appellate Prosecutor's Office offers a 4-day trial education class pertaining to death penalty cases, as well as trial education class for 3<sup>rd</sup> chairs. Mr. Murray explained the formal evaluations of these training sessions have not been conducted (though the CCSAO plans to do so in the future), noting again that the training undergoes judicial review and review by Paul Taylor of the Administrative Office of the Illinois Courts. Regarding training difficulties, Mr. Murray explained that it is difficult to get prosecutors out of the courtroom for two days in a row, and that it is also difficult to find reasonably priced, well equipped large lecture halls for training purposes. Mr. Murray explained the CCSAO intends to continue refining their training courses in the future so they

remain relevant. Regarding improvements needed, Mr. Murray suggested that a dedicated training facility with up-to-date courtroom technology would be helpful. He also suggested that the state might agree on a 2-day court holiday each year, to allow for in-service training across the state when attorneys do not have to be in courtrooms. Finally, he said, ethics training is a priority. The CCSAO has developed a 4-hour, 110 page ethics seminar that he can share with the Committee, and most training sessions include a 1-hour component on ethical issues. The inclusion of ethics materials in training sessions has increased in recent years, he explained. In response to a request for data regarding training sessions, and copies of training materials, Mr. Murray offered that Mr. Randy Roberts in his office can help compile and provide this information for the Committee.

Mr. Gottfried asked about the extent to which scientific material is included in the CCSAO training sessions. Mr. Murray replied that, yes, scientific material regarding DNA evidence and other technical matters are included in the training materials, and that there is a particular focus on psychiatry.

Mr. Schwind asked if there is a DNA specialist on the CCSAO staff who contributes to training sessions and materials. Mr. Murray replied that Ms. Kara Seffenson, a DNA specialist on staff at the CCSAO, has contributed DNA materials and that she participates as an instructor in many of the CCSAO training sessions.

Mr. Sullivan asked if Mr. Murray has noticed any reactions by prosecutors to recorded interrogations in homicide cases. Mr. Murray noted that in some cases (he mentioned Chicago Police Department recordings specifically) background noise (e.g., noise from ceiling ducts and vents) can pose a problem; in some cases detectives or suspects mumble and the recording is not clear. He also noted that editing the CPD interrogation files requires different software (Sanction 2) which requires a different license that costs about \$500.

Mr. Sullivan asked if Mr. Murray was aware of any cases or confessions that had been lost due to problems with recording of interrogations. Mr. Murray responded that 3 or 4 confessions had been lost due to technical problems with recording of interrogations (the evidence was suppressed in court); there have been imperfect Miranda warnings (no clear answer by the suspect), and he noted that some of these issues are a matter of police training. Mr. Sullivan also asked if there have been many refusals by suspects to record interrogations, and Mr. Murray said there have been a few such refusals. Mr. Murray also noted that in one case, after a suspect was Mirandized and the detective had left the interrogation room, the suspect called someone from her cell phone and implicated herself in the murder, which was recorded on tape. In another instance, a suspect injured himself while in the interrogation room to make it appear as if he had been beaten up.



In response to a question about training costs, Mr. Murray noted that much of the training is subsidized by the Capital Litigation Trust Fund (CLTF), which covers facility costs, equipment costs, and audio visual costs). He noted that the CCSAO incurs costs for equipment needed for presentation of taped interrogations in court, and he also noted that CPD uses a 'cutting edge' version of .mpeg files for storing recorded interrogations, thus requiring that the CCSAO purchase comparable equipment that can read the CPD file format.

Ms. Ellen Mandeltort of the Illinois Attorney General's Office (AGO) offered testimony. She explained how the AGO and the Illinois Law Enforcement Training and Standards Board (ILETSB) convened a working group of law enforcement and prosecutors from across the state to brainstorm about the training that would be required to implement the new law mandating recording of interrogations in homicide cases. They conducted a survey of police and prosecutors to aid in this task (a copy of the survey was provided, and the Committee requested a summary of the survey results). Ms. Mandeltort noted that the response to the survey was very high in comparison to other such surveys conducted, indicating broad interest and concern regarding the new law. She explained that the working group's orientation to the training moved from a "how to interrogate" orientation to a "how to implement the law" orientation, based on the feedback received. Some adaptation to the new technology would be required,

since, with the camera in place, the detectives would no longer be “alone in the room;” many individuals (prosecutors, defense counsel, judges, and juries) would see how the detective conducted the interrogation. Ms. Mandeltort referred the Committee to the training materials she provided earlier (attached), and noted that the working group decided to use “local talent” (Illinois State Police trainers with experience in homicide interrogations) as trainers, rather than rely on out-of-state trainers who operated under different legal mandates. She explained that a ‘train the trainers’ session was held on October 1 (2004) in Des Plaines, followed by another train the trainer session on October 6. On October 20<sup>th</sup>, a video satellite training session was held with about 650 trainees from across the state, using Dan Roach and Keith Frederick from ISP as trainers. Ms. Mandeltort noted that ISP (based on a grant from ICJIA) distributed \$850,000 in recording equipment across the state (she thought there had been a follow-up \$450,000 grant program, but was not sure). The equipment was distributed by county (sheriff’s departments). She believes the training was successful, but it was not formally evaluated. A major aim of the training, she explained, was to provide an informative resource for prosecutors and police, not to be prescriptive, and to encourage police and prosecutors to work closely together on local implementation issues.

Many things have to be considered in implementation, she explained, such as: recording rooms (soundproofing, visible clocks to corroborate video time

stamps, dry erase boards in the rooms), audio recording (since the mandate is for electronic, not video, recording), consent issues, whether recording will be used for non-homicide cases, will the camera be covert?, camera location and angle, microphone location, continuous taping (if not continuous, then detectives must summarize on tape what happened during gaps in recording), evidence storage, paying for transcripts, and what to do with inadmissible portions that are recorded.

Ms. Mandeltort corroborated the statement by Mr. Murray that there have been several instances in which video cameras have recorded incriminating evidence after officers have left interrogation rooms. She also offered that, as others have found, some police officers initially had reservations about recorded interrogations, but they typically came to realize the benefits of recording, and now the law enforcement community views recording interrogations as a good policy.

Mr. Nora asked if Ms. Mandeltort thought that standards for recording equipment should be developed. Ms. Mandeltort responded that, while they might be helpful, they must take into account the wide discrepancy across the state in resources available for recording interrogations.

Ms. Mandeltort noted that there is a learning curve for police officers that conduct recorded interrogations. She also explained that, for the equipment provided by ICJIA, each use of the equipment was supposed to be documented, so ICJIA might have some interesting information regarding use of recording

equipment in the field. She ended her testimony by noting that in November 2004 there were 40 newly elected State's Attorneys in Illinois; they received a special training session, which included about 102 participants.

Mr. Nelson noted that the training materials referred to by Ms. Mandeltort were converted to DVD format and sent to approximately 1,200 police officers across the state; he also noted that approximately 1,000 police officers had received training in recording of interrogations, covering about 1,200 police departments in Illinois. He explained that, since the initial training was offered, several police training organizations in Illinois have inserted training modules regarding recording of interrogations, including the Cook County Sheriff, the Suburban Police Academy in DuPage County, the Police Training Institute in Champaign, the Southwest Academy in Bellville, and the CPD Training Academy. The Illinois mobile training units have provided interrogation training to approximately 1,844 police officers. Mr. Nelson explained that while delivery of this training is mandatory, attendance is not; thus, some departments do not participate in the training, sometimes due to human resource and budgetary constraints. Regarding the possibility of developing standards for recording equipment, Mr. Nelson suggested that recommendations be developed, not uniform standards.

Paul Taylor began his testimony by referring to Supreme Court Rule 43, which governs training required for judges presiding over capital cases; he explained that the training developed under Rule 43 is developed by the Administrative Office of the Illinois Courts (AOIC) Judicial Education Unit and Judicial Education Committee (chaired by Judge Toomin). Members of the Capital Litigation Trial Bar (CLTB) are required to receive training in capital cases once every two years. In order to apply to be qualified to hear capital cases, applicants to CLTB must attend one 12-hour course in the year prior to applying (Rule 714-b). After their initial training, these individuals must receive training in capital cases every two years thereafter. Currently there are about 750 trained members of CLTB, and keeping track of them is a logistical nightmare. The AOIC Capital Case Committee reviews and approves all course outlines and the CVs of trainers. All courses must be 12 hours in length, and they must contain 2 hours of science-related material. Training in approved courses is offered across the state of Illinois, and training providers must be certified each year; the major training providers include the Appellate Prosecutors Office, the Office of the State Appellate Defender, the Cook County Public Defenders Office, and the Cook County States Attorneys Office. Proof of attendance at AOIC training sessions is provided when members send copies of their training certificates to AOIC. AOIC sends notices out to CLTB members 3 times per year, reminding them of the need

to attend training sessions. If a CLTB member misses a required training session, he or she is placed on inactive status, and one chance is provided to be reinstated. In response to a question from Mr. Schwind about whether there is a backlog of individuals requesting to become CLTB certified, Mr. Taylor explained that it depends on the review committee – some review committees respond quickly and others (especially those staffed with full-time attorneys and prosecutors) take a bit of time to review applicants; some do fall through the cracks. Currently, he said, there are about 180 active applications pending.

Ms. Marchigiani and Jeff Howard presented training information for the Cook County Public Defender's Office (CCPDO). Ms. Marchigiani explained that, since the enactment of capital punishment reforms (for the past 4 years) the focus of training provided by the CCPDO is to "support lawyers trying to save client's lives." CCPDO put on a death penalty workshop in September 2003 (lecture and trial advocacy style), dealing primarily with mitigation evidence. In November 2003, they put on a training for new lead counsels (lecture and panel style), dealing with new rules governing capital cases and how to conduct a sentencing hearing. There was a September 2004 training session on capital case rules, followed by a seminar on Voir Dire. In February 2005 the CCPDO put on a lecture-style training on death cases for new public defenders. In the summer of 2006 the put on a training on mitigation issues for leaders and 2<sup>nd</sup> chairs, including

ethics training (7 hours geared toward professionalism). Another training session was offered for non grade 4 public defenders. Almost all of this training was provided by in-house trainers, with the involvement of psychiatrist, crime lab experts, and other experts. These training sessions have been evaluated and they receive uniformly high ratings. Outside of Cook County, training similar to that offered by CCPDO is provided by the Appellate Defender's Office. IICLE and DePaul University provide some training sessions in Cook County and downstate.

James R. Coldren Jr.  
Theodore A. Gottfried

## Suggested Readings: Police Lineups and Eyewitness Identification

- Baroni, P. (2007). Summary of Illinois Pilot Project Study Report Reactions (Memorandum to T. Sullivan and others), Feb. 16, 2007.
- Levi, A. (2006). An analysis of multiple choices in MSL lineups, and a comparison with simultaneous and sequential ones. <http://www.ingentaconnect.com/content/routledg/gpcl/2006/00000012/00000003/art00005>
- Malpass, R.S. (2006). A Policy Evaluation of Simultaneous and Sequential Lineups. *Psychology, Public Policy and Law*, 12(4), 394-418.
- Malpass, R. S. (2006). Notes on the Illinois Pilot Program on Sequential Double-Blind Identification Procedures. *Public Interest Law Reporter*, 11(2), p 5-47
- McQuiston-Surrett, D.E., Malpass, R.S., & Tredoux, C.G. (2006). Sequential vs. simultaneous lineups: A review of methods, data, and theory. *Psychology, Public Policy and Law*. 12(2), 137-169.
- Schacter. (et al.). (2007). Policy Forum: Studying Eyewitness Investigations in the Field. <http://www.jjay.cuny.edu/extra/policyforum.pdf>
- Schuster, B. (2007). Police Lineups: Making Eyewitness Identification More Reliable. <http://www.ojp.usdoj.gov/nij/journals/258/police-lineups.html>
- Stebly, N. (2006). Observations on the Illinois Lineup Data. <http://web.augsburg.edu/~stebly/ObservationsOnTheIllinoisData.pdf>
- Stebly, N. (2007). Commentary on "Studying Eyewitness Investigations in the Field": A Look Forward. <http://www.springerlink.com/content/g94625005508q377/>
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- Baroni, P. (2007). Summary of Illinois Pilot Project Study Report Reactions (Memorandum to T. Sullivan and others), Feb. 16, 2007.
- Wells, G. (in press). Suggestive Eyewitness Identification Procedures and the Supreme Court's Reliability Test in Light of Eyewitness Science: 30 Years Later. [http://www.psychology.iastate.edu/~glwells/Manson\\_submission.pdf](http://www.psychology.iastate.edu/~glwells/Manson_submission.pdf)
- Wells, G. L., Memon, A. & Penrod, S. (2006). Eyewitness evidence: Improving its probative value. *Psychological Science in the Public Interest*, 7, 45-75.
- Wells, G. L. (2006). Eyewitness identification: Systemic reforms. *Wisconsin Law Review*, 615-643.
- The Justice Project (2007). Eyewitness Identification: A Policy Review. [http://www.thejusticeproject.org/press/reports/pdfs/PolPack\\_EyewitnessID-72dpi.pdf](http://www.thejusticeproject.org/press/reports/pdfs/PolPack_EyewitnessID-72dpi.pdf)
- Turtle, J. (et al.). (2003). Best Practice Recommendations for Eyewitness Evidence Procedures: New Ideas for the Oldest Way to Solve a Case. <http://www.ryerson.ca/~jturtle/cjps.html>



## MINUTES OF THE MEETING HELD ON AUGUST 7, 2007

Subcommittee 3 of the Capital Punishment Reform Study Committee held a meeting in the chamber of Judge Vincent Gaughan at the Criminal Courts Building, 2650 S. California, Chicago, Illinois from 2 to 3:30 p.m. on August 7, 2007. Attending were subcommittee members Jeffrey M. Howard, Randolph Stone, Ed Parkinson (via teleconference) and Boyd Ingemunson (via teleconference). Also in attendance were Peter Baroni, Special Counsel (via teleconference), Judge Vincent Gaughan, and Judge Joseph Kazmierski.

The minutes of the July 23, 2007 Subcommittee meeting were approved unanimously.

Neither judge has had to hold a hearing in a capital case on the issue of mental retardation. In the one capital case before Judge Gaughan in which mental retardation might have been an issue, the State withdrew its Notice of Intent to Seek Death.

Neither judge has had to deal with jail house snitch testimony in a capital case.

Regarding depositions, both judges stated they believe the standard for good cause shown works well. Judge Kazmierski noted that he had granted motions for the taking of depositions when experts are involved. He also believes more depositions are taken when a case is more complex. He makes himself available when depositions are taken so as to deal with any problems and/or objections which arise.

Judge Gaughan expressed the belief that depositions work very well. Use of depositions aids the seeking of justice. It prevents surprises as well as serves the function of protecting attorneys. In order to deal with issues which arise during the taking of depositions, Judge Gaughan has the transcript sealed and subsequently goes over the transcript so that he can rule on any objections.

Both judges opined that videotaped interrogations are beneficial to the judicial system. The video helps illuminate for the fact-finder the circumstances under which the statement was given. Neither judge had experienced technical difficulties in the showing of the confessions in the courtroom.

Both judges felt the training they received at capital conferences has been good. Judge Gaughan feels such conferences allow networking between the judges throughout the State. Judge Kazmierski commented that it is nice to see different things done at different conferences but that voir dire and Witherspooning are always good to include.

Both judges felt that the attorneys who have appeared before them in capital cases are experienced. This was true before the existence of the Capital Litigation Trial Bar.

Both judges expressed the belief that certificates of readiness are an improvement to the system.

Both judges did not feel that a "difficult" defendant could break down the system. Both acknowledged that as long as the defendant is informed of the consequences of his actions, the defendant cannot thwart a case from proceeding forward.

Both judges believe case management conferences work well. Judge Kazmierski noted that more of the nitty gritty comes out in the conferences. The conferences allow for a disclosure of what has been done, what needs to be done, and how long it will take. The conferences allow a judge to know about problems before they arise. Judge Gaughan believes the conferences eliminate trials by ambush and uncertainties that may arise.

Judge Gaughan expressed a preference for the use of jury questionnaires while Judge Kazmierski has not used one. Judge Gaughan has both sides work out their differences regarding questions to be asked. Judge Gaughan felt the questionnaire helped move the selection process along. Judge Kazmierski felt voir dire went smoothly and expeditiously in his cases even though no questionnaire was used.

Neither Judge Kazmierski nor Judge Gaughan felt that the two new statutory mitigating factors has had any impact on the process. However, both believe the two new factors do not hurt anything.

Both judges said it is too early to tell what impact the new death penalty standard has had on the process.

**CAPITAL PUNISHMENT REFORM STUDY COMMITTEE**  
**MINUTES OF SUBCOMMITTEE NO. 3 MEETING**

**OCTOBER 31, 2007**

Subcommittee 3 met at the Office of the State Appellate Prosecutor in Springfield, Illinois. Attending were subcommittee members Jeffrey M. Howard, Edwin R. Parkinson, and Boyd J. Ingemunson (via teleconference).

The minutes of the July 23, 2007, subcommittee meeting were approved unanimously.

Jeff Howard distributed copies of jury instructions and jury questionnaires from death penalty common law records (CLRs) he had obtained. He stated that he still needed to obtain the CLRs in four more death cases.

The subcommittee members agreed that with one year left for the existence of the Capital Punishment Reform Study Committee, subcommittee 3 will focus on jury instructions and questionnaires used in capital cases.

No date was set for subcommittee 3's next meeting.



Department of Criminal Justice & the Center for the  
Advancement of Research, Training & Education (CARTE)  
Loyola University Chicago  
820 N. Michigan Avenue,  
Chicago, Illinois 60611  
312-915-7563

## **Presentation on the Prison Rape Elimination Act (PREA) of 2003 (P.L. 108-79)**

**Loyola University Chicago  
25 East Pearson Avenue  
Chicago Illinois  
Kasbeer Hall (15<sup>th</sup> Floor)  
Monday, February 4, 2008, 10:00 a.m. to 11:30 a.m.**

The Prison Rape Elimination Act (PREA) of 2003 (P.L. 108-79) requires the U.S. Department of Justice's Bureau of Justice Statistics (BJS) to develop and implement new national data collections on the prevalence and nature of sexual assault within correctional facilities. Recently the first wave of information collected through surveys of state prison inmates was collected, analyzed and published and Dr. Allen Beck from BJS will be presenting the findings from this research at Loyola University Chicago on Monday, February 4, 2008, from 10:00 – 11:30 a.m. The presentation will take place in Kasbeer Hall, 15<sup>th</sup> Floor of the 25 East Pearson Building at Loyola's Water Tower Campus. In addition to Dr. Beck, a number of prison and jail practitioners and policy makers from Illinois will discuss the implications of the research findings for correctional practice and policy.

Allen J. Beck is Principal Deputy Director at the U.S. Department of Justice's Bureau of Justice Statistics (BJS). He earned his Ph.D. in sociology with a specialty in population studies and survey methods at the University of Michigan. Dr. Beck is currently responsible for all of BJS's statistical collections and analyses. In addition, he is responsible for implementation of the Prison Rape Elimination Act. He joined BJS in 1984 as a statistician in the corrections statistics program. In 1990, he became the chief of the corrections program. Past work has included national studies of recidivism, estimation of the lifetime chances of going to state or federal prison, analyses of trends in U.S. probation and parole populations, research related to rising incarceration rates, and studies of prisoner reentry.

# Illinois Violent Death Reporting System



VOLUME 1, ISSUE 1 • AUGUST 2007

## IVDRS: Unique Information to Inform Prevention

Homicide and suicide are among the top five leading causes of death in Illinois for people under age 35. The Illinois Violent Death Reporting System (IVDRS) was developed to help prevent these deaths. IVDRS provides the fullest possible picture of the circumstances of violent death in Illinois, including both homicide and suicide.

IVDRS is a comprehensive system that centralizes information already collected by city, county and state-wide agencies. It combines data from medical examiners and coroners, law enforcement, public health officials and crime labs to provide a fuller understanding of patterns and predictors of violent death

in Illinois. Through identification of these patterns and predictors officials and organizations will gain knowledge to put effective prevention policies and programs into place.

IVDRS is being phased in across Illinois over a five year period. The first year of IVDRS data, covering deaths occurring in 2005, includes information from Cook, Kane and Peoria counties. The overall 2005 homicide rate in the three counties is 10.3 homicide deaths per 100,000 three-county residents, while the overall suicide rate is 7.7 deaths per 100,000 three-county residents (Table 1).

In 2004, in Illinois, there were 1,904 violence-related deaths; 1,028 suicides and 876 homicides. The Illinois homicide rate (2004) was 6.8 deaths per 100,000 Illinois residents, which was larger than the U.S. homicide rate of 5.9 deaths per 100,000 U.S. residents in 2004. The Illinois suicide rate for 2004 was 8.1 suicide deaths per 100,000 Illinois residents which was less than the U.S. suicide rate of 10.9 deaths per 100,000 U.S. residents in 2004.

Comparable 2005 violent death data on a national and statewide level is not yet available from WISQARS, the CDC's injury Web site. When comparing IVDRS deaths in these three counties to the most recent statewide figure, IVDRS has accounted for approximately 60% of all Illinois violent deaths for 2005.

TABLE 1: Homicide and suicide rates for the U.S., Illinois and the three counties participating in IVDRS

	U.S.	Illinois	Three IVDRS Counties
Homicide (N)	17,729	1,028	623
Homicide rate	5.9	6.8	10.3
Suicide (N)	35,469	876	456
Suicide rate	10.9	8.1	7.7

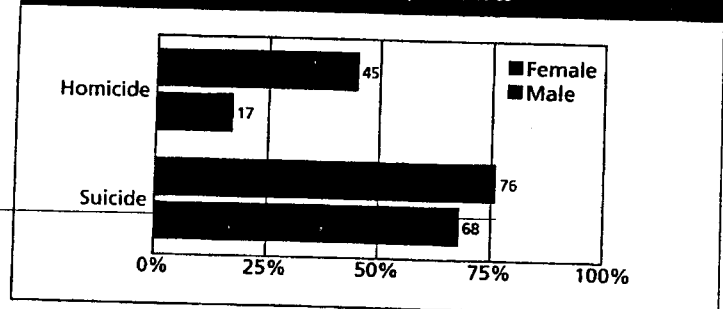
Note: comparable year data are not yet available. U.S. and Illinois 2004; IVDRS 2005.

## IVDRS Reveals Women at Greater Risk of Murder at Home

*Risk 2.5 times greater than men*

IVDRS data for 2005 show that women are at much greater risk of being murdered in their home. Forty-five percent of 108 female homicide victims were killed at home, while 17% of 505 male homicide victims were killed at home. However, men and women commit suicide at home with similar frequency (Figure 1). This strongly suggests the significant role that domestic violence plays in the homicide of women.

FIGURE 1: Percent male and female homicide and suicide victims who die at home, IVDRS, 2005: Cook, Kane and Peoria, IL counties



## Appendix 6

# Homicide and Suicide Rates by Age, IVDRS, 2005

The total suicide rate for three IVDRS counties increases steadily as the residents get older. The suicide rate for elderly residents, age 75 years and older, is 13.0 deaths per 100,000 Cook, Kane and Peoria residents. The suicide rate for the elderly is twice that for 15-19 year old residents of Cook, Kane and Peoria counties (5.6 deaths per 100,000). Kane and Peoria counties have the highest suicide rates of any IVDRS location (Figure 4).

The homicide rate for IVDRS three county residents peaks for persons 20 to 24 years old (34.4 deaths per 100,000 Cook, Kane and Peoria residents). This trend is similar for all locales: Chicago (41.8), Suburban Cook (21.9) and Kane/Peoria (36.1). Chicago residents experience the highest homicide rates for all age groups (Figure 5).

FIGURE 4: Suicide rates, IVDRS 2005

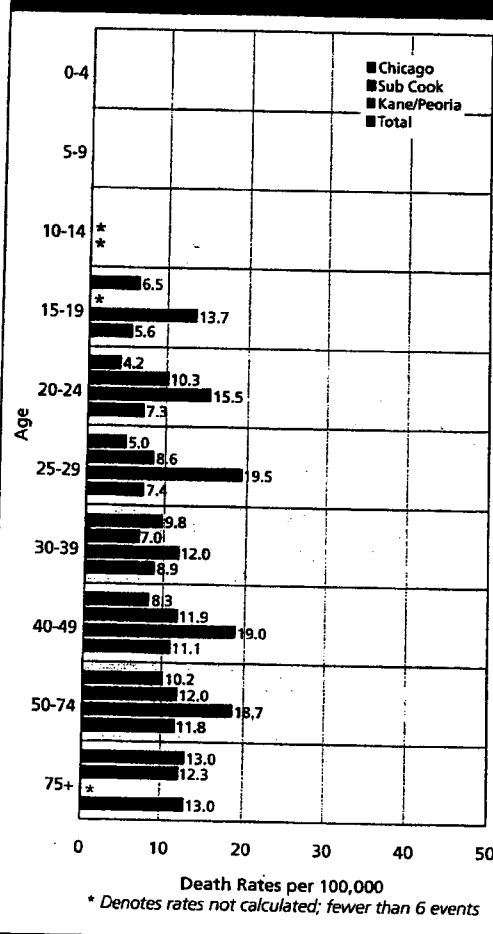
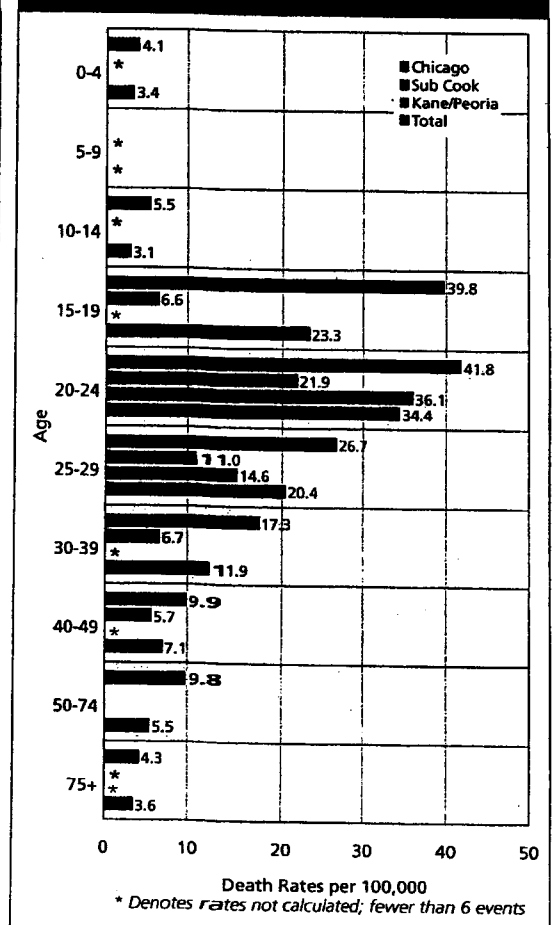


FIGURE 5: Homicide rates, IVDRS 2005



## Firearms and Violent Death

*Firearms were the most common means of violent death. Males were more likely to be firearm victims than females.*

Over half of all violent deaths in the three counties covered by IVDRS involved firearms. Firearms account for more violent deaths than all other means combined.

**Homicide:** Firearms continue to be the primary weapon used in homicides. In Chicago, the 375 male homicide victims were twice as likely to be killed with a firearm as females. In the other IVDRS jurisdictions, males were also more likely to be killed by a firearm (Figure 2).

**Suicide:** Males use firearms to complete suicide more frequently than females, but females are at risk for firearm suicide as well (Figure 3). Overall, 71% (435) of homicides and 36% (164) of suicides were committed with firearms.

FIGURE 2: Percent of homicide victims killed with a firearm, IVDRS, 2005: Cook, Kane and Peoria, IL counties.

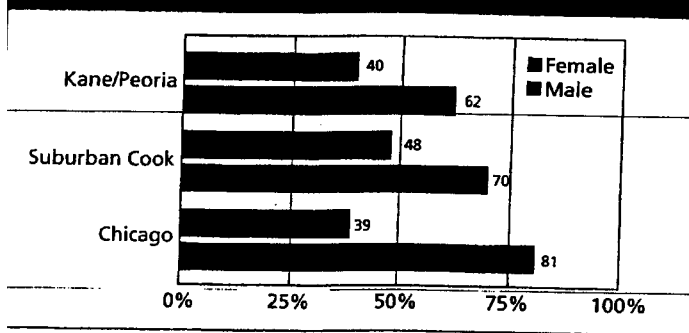
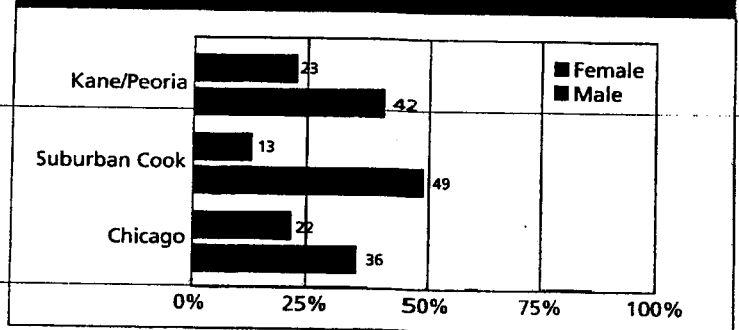


FIGURE 3: Percent of suicide victims killed with a firearm, IVDRS, 2005: Cook, Kane and Peoria, IL counties.

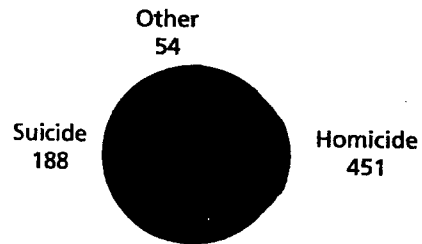


# Violent Death 2005

# Manner of Death, IVDRS 2005

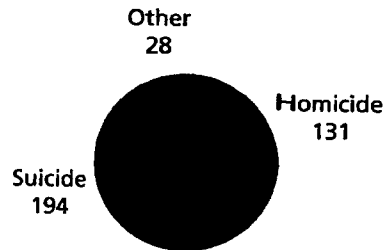
## Chicago

	Homicide		Suicide		Other	
	N	Rate	N	Rate	N	Rate
Total	451	15.6	188	6.5	54	1.9
Male	378	26.9	145	10.3	44	3.1
Female	73	4.9	43	2.9	10	0.7
% firearm	74%		32%			
% at home	19%		65%			



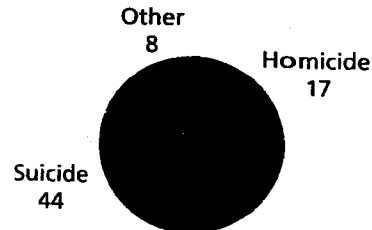
## Suburban Cook County

	Homicide		Suicide		Other	
	N	Rate	N	Rate	N	Rate
Total	131	5.3	194	7.8	28	1.1
Male	100	8.3	139	11.6	23	1.9
Female	31	2.4	55	4.3	5	*
% firearm	65%		39%			
% at home	30%		71%			



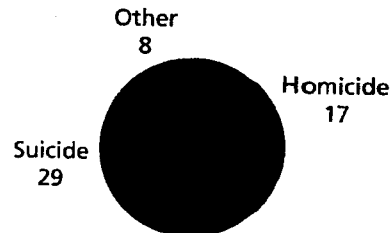
## Kane County

	Homicide		Suicide		Other	
	N	Rate	N	Rate	N	Rate
Total	17	4.2	44	11.1	8	2.0
Male	14	6.9	38	19.2	4	*
Female	3	*	6	3.0	4	*
% firearm	53%		36%			
% at home	35%		84%			



## Peoria County

	Homicide		Suicide		Other	
	N	Rate	N	Rate	N	Rate
Total	17	9.3	29	15.8	8	4.4
Male	15	17.0	22	24.9	3	*
Female	2	*	7	7.4	5	*
% firearm	65%		41%			
% at home	29%		66%			



See notes on methodology, page 4.

## Murder-Suicide in IVDRS: Women Are the Most Frequent Victims

- Fourteen murder-suicide incidents were recorded in the 2005 IVDRS data system.
- All homicide victims were female except one child, the son of the perpetrator.
- All of the perpetrators /suicide victims were male.
- Firearms were used as a weapon in 10 out of the 14 murder-suicide incidents, or 70% of the time.
- Nine of the victims were either married to or divorced from the suspects. Three of the relationships were girlfriend/boyfriend relationships. One relationship was undefined.
- Children were present at eight of the murder-suicide incidents, or 57% of the time.

# Substance Use a Key Indicator

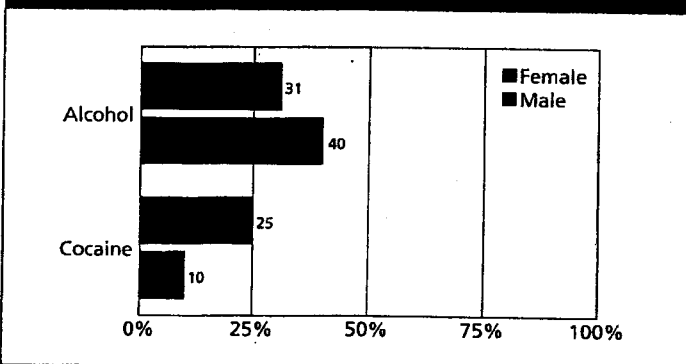
One of the most important aspects of IVDRS is that it looks at the circumstances surrounding each violent death, such as location, relationships of victims and offenders, precipitating events and toxicology results from autopsies.

Nearly all of the homicide and suicide victims are tested for alcohol, while other drugs are screened to varying degrees depending on the circumstances.

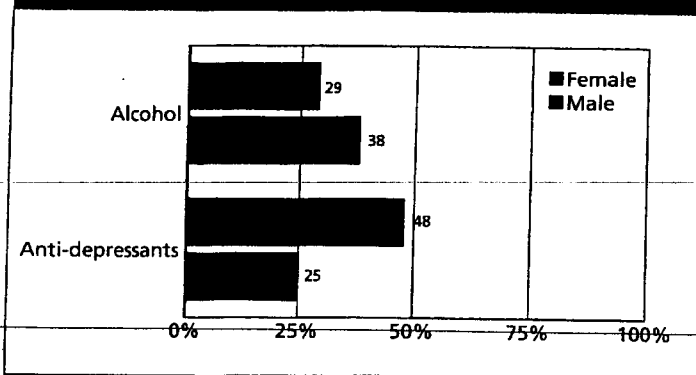
Of the 558 homicide victims tested for alcohol, 40% of the male victims and 31% of the female victims tested positive for alcohol (Figures 5 and 6). For suicide victims tested, the numbers were about the same with 38% of the males and 29% of the females testing positive for alcohol.

Victims are tested for other substances more selectively. IVDRS data for 2005 shows that of 73 tested, 48% of female suicide victims tested positive for anti-depressants, compared to 25% of the males tested. Cocaine was tested for in 555 homicide victims, with females testing positive for cocaine 25% of the time, and males testing positive only 10% of the time (Figures 6 and 7).

**FIGURE 6: Percent homicide victims testing positive for substance use, IVDRS, 2005, Cook, Kane and Peoria, IL Counties**



**FIGURE 7: Percent suicide victims testing positive for substance use, IVDRS, 2005, Cook, Kane and Peoria, IL Counties**



## WHAT IS A VIOLENT DEATH?

The Centers for Disease Control and Prevention (CDC) establishes standards for all of the state-level Violent Death Reporting Systems, such as the one in Illinois.

The CDC defines violent death as homicide, suicide, unintentional firearm death, death from legal intervention, death related to terrorism and death from undetermined causes. An undetermined death is one in which the cause of death is known, such as gunshot wound, or drowning, but the manner of death (i.e., whether the death was homicide, suicide or accidental) is not known.

## NOTES ON METHODOLOGY

- Cook County (which includes Chicago) is the source of the majority of IVDRS data; the data cannot be understood as representative of Illinois as a whole.
- Rates are not computed for fewer than six cases.
- "Other" category includes unintentional firearm deaths, death from legal intervention, deaths related to terrorism and undetermined.
- All data is accurate as of the date received and is subject to change due to ongoing investigations. Numbers will not always match as data is incomplete in some cases.
- All population data calculated using 2000 U.S. Standard Population at [www.census.gov](http://www.census.gov).
- Data for U.S. and Illinois (Table 1) from Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Web-based Injury Statistics Query and Reporting System (WISQARS) [online]. (2005) [May 2007]. Available from URL: [www.cdc.gov/ncipc/wisqars](http://www.cdc.gov/ncipc/wisqars)

## FUTURE ISSUES

IVDRS plans to release newsletters three times this year. Future issues will focus on victimization disparities; suicide circumstances; homicide circumstances.

## ILLINOIS VIOLENT DEATH REPORTING SYSTEM

### Child Health Data Lab

**Children's Memorial Research Center**  
 2300 Children's Plaza, Box 157  
 Chicago, IL 60614  
 Phone: 312.573.7773  
 Fax: 312.573.7825

E-mail:  
[kmonahan@childrensmemorial.org](mailto:kmonahan@childrensmemorial.org)

### IVDRS Staff:

Jenifer Cartland, PhD  
*Principal Investigator*  
 Kathleen Monahan, MPH  
*Project Director*  
 Patricia Meleedy-Rey, MPH  
*Data Manager*

Antigone Kouvelis  
*Epidemiologist*  
 Philip Ricks, MPH  
*Epidemiologist*

  
**Children's Memorial  
 Research Center**

[www.chdl.org](http://www.chdl.org)