

CAPITAL PUNISHMENT REFORM STUDY COMMITTEE

Minutes of meeting November 8, 2007

The twenty-fifth 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. (via teleconference)
Kirk W. Dillard (via teleconference)
T. Clinton Hull (via teleconference)
Edwin R. Parkinson
Charles M. Schiedel
Richard D. Schwind
Randolph N. Stone (via teleconference)
Thomas P. Sullivan

Not present

Jeffrey M. Howard
Boyd J. Ingemunson
Gerald E. Nora
Geoffrey R. Stone
Arthur L. Turner
Michael J. Waller

Also present: Peter G. Baroni, Special Counsel; David E. Olson, Research Analyst, Loyola University; Lori G. Levin, Executive Director, CJIA; Pat McAnany, IL Coalition to Abolish the Death Penalty; Mark Warnsing, Legal Counsel, Senate Republican staff (via teleconference); and Anna M. Ahronheim, Office of State Appellate Defender.

The minutes of the Committee meeting held on September 17, 2007 were approved.

1. New Committee members.

The Committee members expressed their gratitude for the services of James B. Durkin and Theodore A. Gottfried, who resigned from the Committee. The members welcomed two newly appointed members, T. Clinton Hull (appointed by Mr. Cross to replace Mr. Durkin) and Charles M. Schiedel (appointed by Mr. Gottfried to replace himself).

2. Budget for FYE 6/30/08.

Mr. Baroni and Mr. Dillard reported on the current impasse involving portions of the State budget for FYE 6/30/08, including the failure to approve the application of this Committee for \$250K, to be funded in the CJIA budget. It was agreed that Mr. Baroni will draft a letter from Messrs. Dillard and Turner to John Harris, Chief of Staff to the Governor, urging the Governor to approve the Committee's budget appropriation, and to appoint a member to the Committee to replace Mr. Needham.

3. Committee registrations.

(a) Disclosures of economic interests.

The Committee discussed whether or not each member is required under State law to file a disclosure of economic interest, as discussed in communications

received from the Office of the Governor, distributed to Committee members by Mr. Sullivan on October 26, 2007. On Mr. Parkinson's motion, it was agreed to defer the discussion of this question until the next meeting, in order to afford Messrs. Parkinson and Schwind an opportunity to discuss the matter with appropriate representatives of the Office of Secretary of State.

(b) Lobbying registration.

After discussion, the Committee members agreed that we are not required to register as a lobbying entity under the Lobbying Registration Act, 25 ILCS 170, and that Messrs. Sullivan and Schwind will write a letter to the Office of the Secretary of State explaining our conclusion. (Their letter of November 9, 2007 is attached as Appendix 1.)

4. Third Annual Report recommendation relating to the use of blind administrators in lineups and photo spreads (page 16).

The Committee members agreed to the text of a letter to be sent by Messrs. Sullivan and Schwind to the leaders of the Illinois General Assembly withdrawing this recommendation, in order that the Committee members may further study and discuss this subject. (Their letter of November 9, 2007 is attached as Appendix 2.)

5. *Senate Bill 1023.*

This bill has been approved by the Governor, and is part of Illinois statutory law (20 ILCS 3930/7.6). However, implementation of the provisions relating to collection of statistical information concerning homicide cases for a Capital Crimes Database is subject to General Assembly appropriation. Ms. Lori Levin, Executive Director of CJIA, said she has spoken with members of the Governor's staff about funding in the amount of \$100 to 150K for CJIA's costs in implementing the collection provisions, but it was not clear that this funding will be provided. In answer to an inquiry, Mr. Parkinson stated that funds for the Database are not available from the Capital Trial Litigation Fund. Ms. Levin suggested that Committee members consider applying for a federal grant through the Department of Justice to fund the statistical collection for the Database. It was agreed that Mr. Baroni will consult with Ms. Levin about potential grant funding, and report to the Committee at the next meeting.

6. *David Olson's surveys.*

Mr. Olson stated that he has further revised the surveys to be sent to State's Attorneys and Public Defenders, and re-submitted them to the Loyola University Internal Review Board for approval. He was told the Board will give him their comments within two weeks. He asked Committee members send him any suggested changes to these surveys no later than November 16.

Mr. Olson reported that he is still working on the survey to be sent to police and sheriff departments, but he will be unable to distribute them without adequate funding for mailing, coding data, and other related costs.

7. *Illinois Justice Study Committee.*

Mr. Sullivan called attention to the provisions of Senate Joint Resolution No. 9, attached as Appendix 3, approved by both houses of the General Assembly, creating the Illinois Justice Study Committee, to be composed of 15 appointed members, to study and report to the General Assembly and Governor on or before December 31, 2008 regarding various aspects of the Illinois criminal justice system, to the end that wrongful convictions in non-capital cases be prevented. Mr. Sullivan requested members to consider nominating qualified persons to those who have power of appointment.

8. *Reports of subcommittees.*

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

The minutes of the joint subcommittees 1 and 4 meeting on September 17, 2007, as approved by the subcommittees, are attached as Appendix 4. Mr. Coldren stated that the subcommittee has not met since the last full Committee meeting.

(2) Report of Subcommittee 2 – Eligibility for capital punishment and proportionality.

Ms. Bienen said that the subcommittee has not met since the last full Committee meeting.

(3) Report of Subcommittee 3 – Trial court proceedings.

Mr. Parkinson stated that the subcommittee met on October 31 in Springfield, to discuss (1) whether to recommend to the Illinois Supreme Court that uniform pattern jury instructions be adopted for capital cases, and (2) adding to Mr. Olson's surveys of lawyers and judges involved in the trial of capital cases whether it is advisable to have a form jury questionnaire for use in capital cases.

Mr. Schwind moved that Mr. Olson be requested to add two questions to his surveys regarding the advisability of these two proposals. The motion was approved. Mr. Schwind agreed to request Mr. Olson to add questions about these topics to the surveys to be sent to lawyers and judges.

Mr. Sullivan discussed his experiences with the Illinois Pattern Jury Instruction Committee - Criminal. Those in charge assert the Committee will adopt pattern instructions only if the matter instructed on has been embodied in an Illinois statute or an Illinois reviewing court ruling. He stated that this was not the rule when he served on the initial IPI-Criminal Committee, and that there are examples in the Committee's current pattern instructions that do not comply with

this asserted limitation. He also called attention to the memorandum he submitted to the IPI-Criminal Committee, dated March 7, 2005, which was distributed to members of the committee on March 7, 2005. Mr. Sullivan said that his repeated efforts to persuade the Chairperson of the IPI -Criminal Committee to consider pattern instructions as recommended in the Governor's Commission report of April 15, 2002, Nos. 56, 57 and 58, have thus far been unsuccessful, as have his several requests for an opportunity to appear before the Committee to discuss this matter.

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

The minutes of the joint subcommittees 1 and 4 meeting on September 17, 2007, as approved by the subcommittees, are attached as Appendix 4. It was reported that the subcommittee has not met since the last full Committee meeting.

9. *Other business.*

(1) *The Committee's statutory tenure.*

Mr. Sullivan noted that the statute which established this Committee, which took effect on November 19, 2003. 20 ILCS 3929/1 and 2. It provides in Section 3929/2(b) that "The Committee shall ... annually report to the General Assembly..." and in Section 3929(d) that "The Committee shall submit its final report to the General Assembly no later than 5 years after the effective date of this

Act.” It thus appears that the General Assembly anticipated receiving five annual reports from the Committee.

Delays were encountered in the appointment of members, so that the Committee’s first meeting was not held until February 14, 2005. The Committee’s First Annual Report, dated April 27, 2005, reported only that the Committee had been established and met three times, but made no substantive recommendations. Since then, the Committee has sent its Second (February 28, 2006) and Third (April 9, 2007) Annual Reports to the General Assembly. Thus, the Committee has sent only two substantive annual reports to the General Assembly.

It appears the Committee’s statutory tenure will expire November 19, 2008. Mr. Sullivan stated that, in light of this background, the Committee may wish to request an extension of its tenure to December 31, 2009, to enable the Committee to submit five substantive annual reports to the General Assembly, as contemplated by the statute.

It was agreed that this subject will be discussed at the next Committee meeting.

(2) Fixing dates for full Committee meetings in 2008.

Mr. Baroni suggested that, at the next Committee meeting, the dates be fixed for the 2008 full Committee meetings. It was agreed that this subject will be discussed at the next Committee meeting.

(10) Next meeting - December 11, 2007 - Noon.

It was agreed that the next meeting of the full Committee will be held on December 11, 2007 at noon, at the Illinois Criminal Justice Information Authority, 120 South Riverside Plaza, Chicago, Illinois.

Thomas P. Sullivan
Chair
December 10, 2007

Attachments - Appendices 1 through 4.

Capital Punishment Reform Study Committee

November 9, 2007

Thomas P. Sullivan
Chair

Richard D. Schwind
Vice Chair

Leigh B. Bienen
James R. Coldren, Jr.
Kirk W. Dillard

Jeffrey M. Howard
Clint Hull
Boyd J. Ingemunson
Gerald E. Nora

Edwin R. Parkinson
Charles M. Schiedel
Geoffrey R. Stone
Randolph N. Stone
Arthur L. Turner
Michael J. Waller

—
Peter G. Baroni
Special Counsel

Ms. Krista Green
Index Department
Lobbyist Division
Office of the Secretary of State
111 E. Monroe Street
Springfield, IL 62756

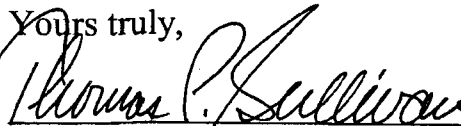
Re: Notice that the Capital Punishment Reform Study Committee
is not required to register as a lobbying entity

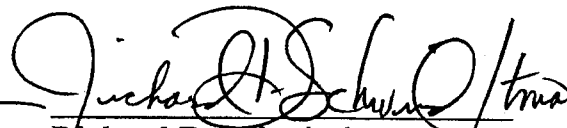
Dear Ms. Green:

We write to notify you that, in our opinion, the Capital Punishment Reform Study Committee need not register as a lobbying entity under the Lobbyist Registration Act, 25 ILCS 170, because the Committee falls within a category of persons/entities not required to register under that Act. Specifically, the Committee is a "department, division or agency of State government," and therefore not required to register as a lobbying entity pursuant to the Illinois Administrative Code, Persons not Required to Register. *See* Ill. Admin. Code, title 2, ch. III, part 560, section 560.210 (f). Alternatively, the Committee is a "state political subdivision" lobbying "within the scope of their public office" pursuant to section 560.210 (k) of that portion of the Illinois Administrative Code. *See* Ill. Admin. Code, title 2, ch. III, part 560, section 560.210 (k).

Please contact us with any questions. Thank you.

Yours truly,


Thomas P. Sullivan


Richard D. Schwind

Chair
330 N. Wabash Avenue
Chicago, IL 60611
312-923-2928

Vice Chair
100 W. Randolph St., 12th Fl.
Chicago, IL 60601
312-814-5387

cc: Committee members
Peter G. Baroni, Legal Counsel

1596304.1

Capital Punishment Reform Study Committee

November 9, 2007

Thomas P. Sullivan
Chair

Richard D. Schwind
Vice Chair

Leigh B. Bienen

James R. Coldren, Jr.

Kirk W. Dillard

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Charles M. Schiedel

Geoffrey R. Stone

Randolph N. Stone

Arthur L. Turner

Michael J. Waller

Peter G. Baroni
Special Counsel

Tom Cross
House Republican Leader
316 Capitol Building
Springfield, IL 62706

Emil Jones, Jr.
Senate President
327 Capitol Building
Springfield, IL 62706

Michael J. Madigan
Speaker of the House
300 Capitol Building
Springfield, IL 62706

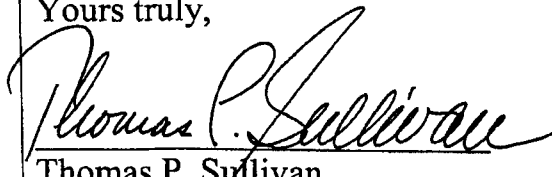
Frank C. Watson
Republican Leader
309A Capitol Building
Springfield, IL 62706

Gentlemen:

At the Committee's meeting on September 17, 2007, it was agreed that the Committee withdraws the following recommendation contained on page 16 of its Third Annual Report, in order that the Committee members may further study and discuss this subject:

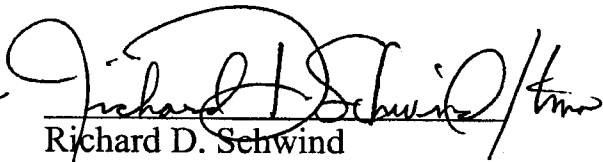
"Legislation should be enacted requiring that whenever practicable the administrator of an eyewitness lineup or photo spread should not be aware of which member of the array is the police suspect."

Yours truly,



Thomas P. Sullivan

Chair
330 N. Wabash Avenue
Chicago, IL 60611
312-923-2928



Richard D. Schwind

Vice Chair
100 W. Randolph St., 12th Fl.
Chicago, IL 60601
312-814-5387

cc: Governor, State of Illinois
Chief Justice, Supreme Court of Illinois
Committee members
Peter G. Baroni, Legal Counsel

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1 SENATE JOINT RESOLUTION NO. 9

2 WHEREAS, Illinois now holds the distinction of being first
3 in the nation in the number of people exonerated by DNA
4 evidence in non-capital cases; and

5 WHEREAS, Illinois has made great strides in identifying and
6 attempting to address the causes of wrongful felony convictions
7 in capital cases, but has not extended systemic reforms to
8 non-capital cases; and

9 WHEREAS, The incarceration of an innocent person not only
10 works an injustice against that individual, but also harms
11 society in that the real perpetrator of a crime remains free
12 and able to commit additional criminal acts; and

13 WHEREAS, Wrongful felony convictions result in an erosion
14 of public confidence in the judicial system; and

15 WHEREAS, The Appellate Courts review cases only for
16 procedural error and do not provide a forum for presenting
17 claims of actual innocence; and

18 WHEREAS, Defendants in non-capital cases do not have the
19 right to counsel on post-conviction, that stage of proceedings
20 in which new evidence supporting a claim of actual innocence

1 can be presented, and therefore are unable to effectively
2 present such a claim; and

3 WHEREAS, Defendants against whom the death penalty is not
4 pursued, or for whom the death penalty has been taken off the
5 table, do not have the resources available to adequately defend
6 themselves; therefore, be it

7 RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL
8 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
9 CONCURRING HEREIN, that there is created the Illinois Justice
10 Study Committee, hereinafter referred to as the Committee,
11 consisting of 15 members, and appointed as follows:

12 (1) Three members appointed by the Governor, 2 of whom
13 shall be experienced in criminal law;

14 (2) Two members appointed by the President of the
15 Senate;

16 (3) Two members appointed by the Minority Leader of the
17 Senate;

18 (4) Two members appointed by the Speaker of the House
19 of Representatives;

20 (5) Two members appointed by the Minority Leader of the
21 House of Representatives;

22 (6) One member appointed by the Cook County State's
23 Attorney;

24 (7) One member appointed by the Office of the Cook

1 County Public Defender;

2 (8) One member appointed by the Office of the State
3 Appellate Defender; and

4 (9) One member appointed by the Office of the State's
5 Attorneys Appellate Prosecutor; and be it further

6 RESOLVED, That the appointed members shall be from diverse
7 backgrounds so as to reflect the diverse citizenry of Illinois;
8 and be it further

9 RESOLVED, That the Committee shall review all non-capital
10 wrongful felony conviction cases that have been resolved as of
11 the effective date of this resolution and which resulted from
12 DNA testing; a pardon granted on the basis of actual innocence;
13 and dismissal of charges or acquittals upon a retrial based on
14 relief granted by either the Illinois Appellate or Supreme
15 Courts, or the federal District, Court of Appeals, or United
16 States Supreme Court; and be it further

17 RESOLVED, That the Committee shall review any other
18 relevant material, identify the most common causes of wrongful
19 felony convictions in non-capital cases, identify current
20 laws, rules and procedures implicated in each type of
21 causation, and identify solutions through research, experts,
22 public hearing, and any other source the Committee deems
23 appropriate; and be it further

1 RESOLVED, That the Committee shall consider rules,
2 procedures, educational, and legislative reforms that can aid
3 in eliminating future wrongful felony convictions; and be it
4 further

5 RESOLVED, That the Committee may consider whether the State
6 of Illinois should put into place a procedure for addressing
7 claims of factual innocence prior to appellate review of a
8 conviction; and be it further

9 RESOLVED, That the Committee shall do a cost analysis of
10 wrongful convictions; and be it further

11 RESOLVED, That the Committee shall elicit voluntary
12 assistance from educational, legal, civic, and professional
13 organizations and institutions as well as notable individuals;
14 and be it further

15 RESOLVED, That the Committee shall submit its final report
16 to the Governor and the General Assembly on or before December
17 31, 2008.

Capital Punishment Reform Study Committee
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, Thomas P. Sullivan, Richard D. Schwind, Jeffrey M. Howard, Leigh B. Bienen, and Gerald E. 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 3rd 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 DesPlaines, followed by another train the trainer session on October 6. On October 20th, 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, police officers initially have a negative reaction to the prospect of recorded interrogations, but they typically come to realize the benefits of recording quickly, and now law enforcement views recording interrogations as a good policy and the best way to proceed. She said that she believes recorded interrogations will soon be required for most felony investigations: “It is the logical way to go.”

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. Marghigiani 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 jury selection. 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 2nd 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 session in Cook County and downstate.

James R. Coldren Jr.
Theodore A. Gottfried