

CAPITAL PUNISHMENT REFORM STUDY COMMITTEE

Minutes of meeting November 14, 2005

The seventh meeting of the Committee was held at 120 S. Riverside Plaza, Chicago, from 2 to 4 P.M.

Those present

Leigh B. Bienen
James R. Coldren, Jr.
Kirk W. Dillard (conference phone)
Theodore A. Gottfried (conference phone)
Boyd J. Ingemunson (conference phone)
Richard D. Schwind (conference phone)
Thomas P. Sullivan
Michael J. Waller (conference phone)

Not present

James B. Durkin
Jeffrey M. Howard
Thomas P. Needham
Gerald E. Nora
Edwin R. Parkinson
Geoffrey R. Stone
Randolph N. Stone
Arthur L. Turner

Also present: Thomas G. Cosgrove, Staff Attorney, Office of State Appellate Defender; Linda Hui, Research Fellow, Northwestern University Law School, assistant to Ms. Bienen.

The minutes of the meeting of September 26, 2005 were approved as written.

1. *Retention of a Committee Reporter/Special Counsel.*

Mr. Schwind reported that he was consulting on this subject with Mr. Boehmer of CJIA, but he resigned. Mr. Schwind met last week with Ms. Levin, the Executive Director of CJIA, and they discussed the options

available to the Committee under the IL Procurement Code. Mr. Schwind, together with Mr. Nora, will pursue this matter with CJIA personnel, and report to the full Committee at the next meeting.

2. *Committee's appropriation for fiscal year 2006-2007.*

The Chair stated that the 2006-2007 budget request for CJIA does not include funding for the Committee, with the result that the Committee must submit its own request for an appropriation for the fiscal year 2006-2007. Mr. Dillard agreed that he and Mr. Turner will introduce appropriation bills for \$150K in both houses of the IL General Assembly.

3. *Report of Subcommittee 1 - Police and Investigations.*

The subcommittee Chair, Mr. Coldren, reported that the subcommittee met on November 7 at the CJIA office, from 2 to 3 P. M. The minutes of the meeting are attached hereto as Appendix 1. With regard to the new system in place for electronic recordings of custodial interviews in homicide investigations, it was agreed that the Committee should allow more time to elapse, and the police and prosecutors to have experience with the new system, before we request representatives from their offices to appear before the Committee or subcommittee to report on how the system is working. Mr. Schwind recommended that at the appropriate time we invite the following persons to appear before the full Committee to report on the experience with custodial recordings, and sequential

lineup-photo spread pilot program: Ellen Mandeltort of the IL Attorney General's Office, Sheri Mecklenburg, General Counsel to the Superintendent of the CPD, CPD Lt. Martin Reisak, and ISP Director Larry Trent or ISP Captain Dan Roach.

It was noted that the sequential lineup-photo spread pilot programs have now been concluded, and that the report of the ISP will probably be filed early 2006, in advance of the eyewitness conference scheduled for April 21, 2006 at Loyola University Law School.

Mr. Coldren reported that the subcommittee is scheduled to meet again on December 13 or 14, 2005.

4. *Report of Subcommittee 2 - Eligibility for Capital Punishment, DNA, and Proportionality.*

The subcommittee Chair, Ms. Bienen, reported that the subcommittee met on November 8, 2005 at 11 A.M. at 1 IBM Plaza, Chicago, 40th floor. The minutes of the meeting are attached as Appendix 2. The Committee discussed sending a letter to each State's Attorney in IL requesting certain information about indictments for first degree murder from January 1, 2003 until December 31, 2005. The form of the letter, as tentatively approved, is attached as Appendix 3. The next scheduled meeting of the IL State's Attorneys Association is December 8. At that meeting, Mr. Waller will discuss the proposed letter with his fellow State's Attorneys, and report back to the full Committee at its next meeting.

5. *Report of Subcommittee 3 - Trial Court Proceedings.*

Mr. Ingemunson, a member of the subcommittee, reported that they met on November 8, 2005 from 2 to 3:50 P.M., at the CJIA offices. The minutes are attached as Appendix 4.

6. *Report of Subcommittee 4 - Post-Conviction Proceedings and General Topics.*

Mr. Gottfried, subcommittee Chair, reported that they met on October 14, 2005, from 9:35 to 10:45 A.M., at 203 N. LaSalle, 24th floor, Chicago. The minutes are attached as Appendix 5.

Mr. Gottfried reported that he has appointed Alan Simcox as his representative to the Lab Oversight Committee, created by the IL General Assembly. That Committee met on November 7, 2005 at the DuPage County Sheriff's Crime Lab.

The letter Mr. Sullivan received from Cook County Treasurer Maria Pappas, dated September 27, 2005, is attached as Appendix 6.

Next meeting - December 12, 2005, 2 P.M.

It was agreed that the next meeting of the full Committee will be held on December 12, 2005 at 2 P.M., at the CJIA offices, 120 S. Riverside Plaza, Chicago.

Thomas P. Sullivan
Chair
December 2, 2005

Attachments - Appendixes 1 through 6.