

**Capital Punishment Reform Study Committee**  
**Minutes of Subcommittee No. 4 meeting**

**October 23, 2006**

On October 23, 2006 at 12 P.M., a meeting of Subcommittee 4 was held at the Criminal Justice Information Authority, Chicago, IL. Attending were Theodore A. Gottfried, Richard D. Schwind, James B. Durkin (via teleconference) and Peter G. Baroni.

Minutes of the June 19, 2006 Subcommittee meeting were approved.

Ted Gottfried led a discussion on the next set of reforms the Subcommittee should study as follows:

*Police perjury.*

Mr. Baroni was requested to talk to the Law Enforcement Training and Standards Board and the Department of Labor to determine if the police perjury provision had been utilized.

*Training of attorneys and judges.*

A number of state and local legal organizations have capital litigation training programs. Mr. Baroni was asked to gather information on how many organizations have programs, and their focal points.

*Post conviction.*

The members decided to interview attorneys in the Office of the State Appellate Defender's Office and the Attorney General's Office who focus on post conviction litigation in capital cases.

*Forensic testing and oversight.*

Mr. Durkin expressed an interest in studying the issue of forensic testing. Specifically, he would like to look at the oversight and certification, as well as compliance with federal funding mandates.

*Fundamental justice provision.*

The Subcommittee will study the use and application of the fundamental justice provision by the Illinois Supreme Court.

*Resources/Capital Litigation Trust Fund.*

The Subcommittee will study resource allocation, including a review of the application and administration of the Capital Litigation Trust Fund. The members view what occurred in the *Sutherland* case as an instance of abuse of the Fund. Mr. Schwind suggested the Subcommittee discuss the issue of guidance to judges for managing a complex capital defense case budget.

*Future meetings.*

The next subcommittee meeting was set for December 13, 2006, noon at the Criminal Justice Information Authority.

The Subcommittee adjourned at 1 PM.

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