

MINUTES OF THE MEETING OF THE POST-CONVICTION PROCEEDINGS
SUBCOMMITTEE #4 OF THE CAPITAL PUNISHMENT REFORM STUDY
COMMITTEE

May 11, 2006

Criminal Justice Information Authority
Chicago, IL

Notice of the meeting was sent to all members and posted on the Illinois Criminal Justice Information Authority website.

Present: Ted Gottfried, Richard Schwind, Peter Baroni (in person); Jim Durkin and Kathy Saltmarsh (via teleconference). Guest of the subcommittee: Allan Sincox (Office of the State Appellate Defender (OSAD))(member of the Illinois Laboratory Advisory Committee)

The meeting was called to order at 10:05 a.m. The minutes of the previous meeting (3/29/06) were approved.

Discussion Topic #1: Illinois Laboratory Advisory Committee (ILAC)

Ted Gottfried introduced Allan Sincox, OSAD's Designee to the ILAC. Sincox gave the subcommittee an outline of who participates in the ILAC (see attached ILAC member list) and submitted ILAC's 2006 Report (see attached 2006 ILAC Report). Sincox then outlined some of the issues the ILAC has discussed over the last year. First, the issue of forensic lab accreditation was outlined. There seems to be reluctance on the part of State and regional labs to accept an accreditation mandate based primarily on cost. No ILAC member objects to accreditation mandates, generally. If the State would bear the cost of accreditation (according to ISP lab director that cost would be 10-15% of each lab's total budget), Sincox indicated that there would be general acceptance of such a mandate.

Second, Sincox said another issue of contention at ILAC is what type of accreditation is appropriate. There seems to be no clearly appropriate national standard for the appropriate accreditation. Rick Schwind suggested that the point of accreditation is uniformity in testing standards and adherence to consistent protocols for such testing with monitoring for lab compliance.

Another issue is raised by Jim Durkin and echoed by Sincox is concern regarding compliance with federal Coverdale Grant accountability requirements. Coverdale grants are federal grants given to states (including Illinois) to clean up DNA testing backlogs. Those grants require independent oversight of labs in states that accept such grants. It is not clear that those accountability requirements mean all labs must be accredited. However, it seemed clear that all labs must be subject to independent oversight by some

enforcement body. Durkin believes such oversight is sorely lacking in Illinois and may jeopardize federal funding. All subcommittee members seemed open to discussing the issue further and obtaining more testimony regarding the best approach for both accreditation and independent oversight of forensic labs in Illinois.

Discussion Topic #2: Subcommittee jurisdiction and use of a social scientist

Mr. Gottfried led a discussion that focused on the work of the subcommittee. Gottfried suggested his staff work with the CPRSC special counsel to create a draft survey document for the next subcommittee meeting in June. Such a survey would be disseminated to post conviction and appellate practitioners as well as judges who have presided over capital cases.

The topic of social scientist was raised in connection with data collection. The subcommittee came to a consensus that the idea may be viable; however, the survey questions should be drafted and discussed before a decision on the involvement of a social scientist is made by the subcommittee. Mr. Gottfried suggested that the simplicity of questions Subcommittee #4 wishes to ask, combined with the relatively small universe of people to survey, may result in a lack of need for the involvement of a social scientist.

The other idea discussed was the need for consistency in data collection by all four CPRSC subcommittees based on the potential for crossover issues arising. Subcommittee members felt that consistency may be a reason for the involvement of a social scientist.

In terms of the subcommittee's jurisdiction over capital litigation training and continuing education for attorneys and judges, Mr. Gottfried suggested reviewing the training programs currently in place. After such a review, the subcommittee could determine the impact of such programs and what improvements may be needed. Mr. Schwind agreed with Gottfried on this point and had some ideas on areas where capital litigation training needs improvement.

Peter Baroni outlined a draft of the jurisdiction of the subcommittee, in terms of capital punishment statutory reforms. Baroni suggested the subcommittee members review the list and make additions or deletions as they deem appropriate.

The subcommittee agreed on a tentative agenda for the June meeting: (1) discuss of the draft survey questions; and (2) hear another speaker from ILAC and possibly the State lab.

The next subcommittee meeting was set for June 19, 2006 at 1:00 p.m. at the Criminal Justice Information Authority in Chicago.

The Subcommittee adjourned at 11:20 a.m.