

CAPITAL PUNISHMENT REFORM STUDY COMMITTEE
Post conviction proceedings and general topics Subcommittee No. 4

Minutes of the meeting February 13, 2007

The Post conviction proceedings and general topics Subcommittee of the Capital Punishment Reform Study Committee (Committee) meeting was held at the Illinois Criminal Justice Information Authority, 120 S. Riverside Plaza, Chicago, Illinois from 12:05 to 12:50 P.M. Attending were subcommittee members Theodore A. Gottfried (via teleconference) and Richard D. Schwind. Also in attendance was Peter G. Baroni, Special Counsel.

1. Recommendations for the Third Annual Report.

The subcommittee adopted three recommendations to be included in the Committee's Third Annual Report. First, that State and local forensic laboratories be given adequate funding to perform timely testing of DNA samples. Second, that the State seek all available federal funding through the National Institute of Justice including, but not limited to the following: (1) the DNA Capacity Enhancement Program, (2) the Forensic Casework DNA Backlog Reduction Program, (3) the Coverdell Forensic Science Improvement Grant Program and (4) the Convicted Offender DNA Backlog Reduction Program. Third, that the open forensic scientist positions at State Police Forensic Laboratories be filled. Additionally, the General Assembly

should examine and investigate the status of those vacancies in the appropriations hearing process to promote the immediate filling of those positions by the Illinois State Police.

2. *DNA testing backlog and funding issues.*

(1) *DNA testing backlog.*

The subcommittee agreed to suggest to the legislative members of the Committee that they send a letter to the Director of the State Police seeking a current accounting of the DNA testing backlog relating to three areas: first, open case evidence testing; second, convicted felon testing; and finally, post-conviction testing of evidence where identification of the defendant was at issue during the trial.

(2) *Federal grant programs for state DNA testing.*

Pursuant to the subcommittee's request at the January 2007 meeting, Mr. Baroni spoke to an official from the State of New York, John Hicks, the Director of the Offices of Forensic Services for the State of New York. Mr. Hicks said the State of New York gets federal funding for DNA testing from four programs: (1) the DNA Capacity Enhancement Program, (2) the Forensic Casework DNA Backlog Reduction Program, (3) the Coverdell Forensic Science Improvement Grant Program and (4) the Convicted Offender DNA Backlog Reduction Program. Coverdell grants are the only

federal grants that require independent laboratory oversight. New York has such an oversight body for its forensic labs across the State. That oversight includes the capacity to investigate claims of wrong doing at laboratories.

(3) Follow up inquiry by Mr. Baroni.

The subcommittee asked Mr. Baroni to continue his inquiry into the status and utilization of federal grant money available for DNA testing. The subcommittee also asked Mr. Baroni to determine the exact oversight mandate required by Coverdell grants and determine if Illinois had such oversight. Finally, Mr. Baroni was asked to contact the Deputy Director of the Illinois State Police Forensics Laboratories to determine the status of any forensic scientist vacancies at State Police labs.

3. Next meeting – March 26, 2007, 12 P.M.

It was agreed that the next subcommittee meeting will be held on Monday, March 26, 2007 at 12 P.M. at the Illinois Criminal Justice Information Authority, 120 S. Riverside Plaza, Chicago, Illinois.

Peter G. Baroni
Special Counsel
February 20, 2007