

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

Minutes of the meeting January 23, 2007

The Post conviction proceedings and general topics Subcommittee of the Capital Punishment Reform Study Committee (CPRSC) meeting was held at the Illinois Criminal Justice Information Authority, 120 S. Riverside Plaza, Chicago, Illinois from 12 to 12:45 P.M. Attending were subcommittee members Theodore A. Gottfried and Richard D. Schwind. Also in attendance was Peter G. Baroni, Special Counsel. Present was Michael L. Atterberry of the Illinois Attorney General's Office (via teleconference).

The minutes of the December 13, 2006 were approved unanimously.

1. The Illinois Laboratory Advisory Committee.

Mr. Gottfried led a discussion focused on subcommittee guest Mr. Atterberry and his position as the Attorney General's representative on the Illinois Laboratory Advisory Committee (ILAC).

(1) Laboratory Accreditation.

Mr. Atterberry said ILAC had discussed several legislative proposals seeking statewide laboratory accreditation. He said board members had differing perspectives on what accreditation would require and who would be required to have such accreditation. ILAC membership encompasses

both criminal forensic laboratories as well as civilian laboratories that have nothing to do with the criminal justice system. One proposal, House Bill 5241 (Durkin) (from the 93rd General Assembly), suggested ILAC become the accreditation or oversight body for all Illinois laboratories. Mr. Schwind said that such oversight was a good idea, however, ILAC does not have the investigative power, resources, and the capacity to be an independent oversight body. Mr. Gottfried said the reason for House Bill 5241 is to ensure compliance with federal Coverdale grant requirements.

(2) *Coverdell Grants*

Coverdell grants are federal funding for DNA testing at public forensic laboratories across the United States. Mr. Atterberry said at this point no Coverdell grant money had been obtained by Illinois laboratories. Mr. Schwind said the need for an oversight body is important notwithstanding federal Coverdell grants. If DNA testing is not done correctly the entire criminal justice system suffers. The subcommittee asked Mr. Baroni to look at other states that have received Coverdell grant money in order to determine what those states do to comply with the oversight requirements.

(3) *DNA Backlog*

Mr. Gottfried asked if DNA testing backlogs ever came up at ILAC meetings. Mr. Atterberry said he had no information on DNA backlogs and

ILAC has never taken up the issue. Mr. Schwind said that the Illinois State Police Labs takes a triage approach to DNA testing. In other words, the State Police prioritize DNA testing with serious open cases first, post-conviction testing later and somewhere in between convicted felon testing. Mr. Gottfried asked if there was any tension among committee members because members of ILAC represent differing adversarial parties in the criminal justice process. Mr. Atterberry said that there were differences of opinion but collegial relationships.

2. *Training of attorneys and judges.*

Mr. Gottfried provided the Office of the State Appellate Defender death penalty training seminar agendas. See Appendix 1. Mr. Schwind agreed to provide the subcommittee with the Attorney General's death penalty training seminar agendas. He also agreed to provide the subcommittee with training material produced in conjunction with capital punishment seminars held by other prosecuting authorities across the state.

3. *Next meeting – February 13, 2007, 12 P.M.*

It was agreed that the next subcommittee meeting will be held on Tuesday, February 13, 2007 at 12 P.M. at the Illinois Criminal Justice Information Authority, 120 S. Riverside Plaza, Chicago, Illinois.

Peter G. Baroni
Special Counsel