

MINUTES

REGULAR MEETING ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

September 6, 2002
120 S. Riverside Plaza, 10th Floor
Chicago, Illinois

Call to Order and Roll Call

Chairman Peter Bensinger convened the regular meeting of the Illinois Criminal Justice Information Authority and asked Robert Boehmer, the Authority's Secretary and General Counsel, to call the roll.

Other Authority members in attendance were:

Mr. Al Apa
Kankakee County Sheriff Timothy Bukowski
Cook County State's Attorney Richard A. Devine
State's Attorneys Appellate Prosecutor Director Norbert Goetten
State Appellate Defender Theodore A. Gottfried
DeKalb County Circuit Court Clerk Maureen Josh
Mr. John Piland
Attorney General Designee John Farrell
Mr. John Z. Toscas
State's Attorney Michael Waller

Approval of the Minutes of the June 21, 2002 Authority Meeting

{Mr. Apa made a motion to approve the minutes of the regular meeting held on June 21, 2002. State's Attorney Devine seconded the motion, which passed by unanimous voice vote.}

Chairman's Remarks

Chairman Bensinger introduced the new Authority member, John Z. Toscas. He noted that Governor Ryan recently appointed Mr. Toscas to the Authority to replace Jane Buckwalter. He said that Mr. Toscas served in the Cook County Sheriff's Office from 1979 to 1991 and is currently in the private practice of law. He said that Mr. Toscas is also serving as the elected assessor of Worth Township.

Chairman Bensinger recognized the work that Jane Buckwalter has done as an Authority member. He noted that she served as an Authority member for 13 years, chaired the Planning and Research committee and the Institutional Review Board, and served as the vice-chair of the Authority. He said that she has been the longest serving member of the Authority since the inception of the Authority and that we will miss her. He noted that the mailing contained a Resolution of Commendation recognizing Jane Buckwalter for her service to the Authority.

{State's Attorney Waller made a motion to adopt the Resolution of Commendation for Jane Rae Buckwalter. Mr. Farrell seconded the motion, which passed by unanimous voice vote.}

Chairman Bensinger noted that the federal justice appropriation bill as passed by the Senate contains about \$500 million for Byrne, about \$400 million for Local Law Enforcement Block Grants, \$250 million for Juvenile Accountability Incentive Block Grants, \$70 million for Residential Substance Abuse Treatment, \$390 million for Violence Against Women Program Act grants, and over a billion dollars for various programs under COPS. He said that for the most part, the funding is about the same level as last year. He noted that it is uncertain whether the budget agreement will be reached before the year ends, but that the federal government will work with a continuing resolution.

Chairman Bensinger said that he attended the opening of the museum on narco-terrorism at the DEA headquarters. He said that the museum is devoted to providing information on illegal drugs, the history of the enforcement of drug laws – how they came about in the early parts of the 20th century when cocaine and heroin were legally sold in syrups by Bayer. He said that it is an interesting museum and is not particularly geared to convincing anybody of a

particular point of view. He said that it gives a historical point of view and is interactive and focuses on the link between terrorism and narcotic trafficking, which he experienced as the DEA administrator. He noted that sadly the entrance exhibit has girders from the World Trade Center and rubble from the Pentagon. He said that the exhibit is very impressionable and brings back to mind just what did happen and what has happened in less headlines and less dramatic fashion. He said that Attorney General Ashcroft, John Waters – the director of the Office of National Drug Control Policy, and Rudy Giuliani were all present. In addition current and former DEA administrators were present. Chairman Bensinger then described one witness experience viewing the Pentagon attack. He then asked members to join him in a moment of silence in remembrance of September 11th.

Executive Director's Report

Director Kane said that staff will acknowledge the losses and also celebrate the lives of those that died on September 11th. She said that we are going to meet on the morning of the 11th to spend a little time together informally talking about the impact of the day and subsequent activities on staff. She said that there was a lot of concern on that day, particularly with the Sears Tower rumored to be attacked.

Director Kane said that one of the particular projects that has taken on added importance for the Authority in light of September 11th is integrated justice and the work being done by the board created by the governor and the staff work to support those activities. She said that it was no small task to issue an executive order and then lay before the group the challenge of completing a project that really deserved at least two years work to saying you have less than 12 months to deliver a product. She acknowledged the work of Ken Bouche, Steve Prisoc, Mark Myrent and Carol Gibbs. In response to a question from Director Kane, Mr. Bouche said that he thinks the Authority will be very proud when they see this report. He said that the work that has been done has been incredible. He said that people have been coming together on a weekly and bi-weekly basis rolling up their sleeves and getting the work done. He said that by the next meeting, the Authority would be the first to see the final draft before the strategic plan is sent out. He then thanked all those who have committed people and resources to the project. Mr. Prisoc said that it has been a great process and it has been one that has really included all the stakeholders in the justice process in Illinois. Director Kane said that the deadline prompted extraordinary participation from people because the due date for the strategic plan is so close. She noted that this was a huge effort by agencies at the state and local level.

Director Kane reported that InfoNet, which was initially launched to capture data from our sexual assault and domestic violence grantees is now expanding to include the child advocacy centers hopefully sometime in the fall. She said that Karen Griffiths has been working with user groups and they seem to be pretty happy with the progress being made. She indicated that the Department of Human Services would be providing the Authority with \$100,000 to bring their funded domestic violence programs into the network. She said that we have also been approached by the Department of Public Health regarding a joint project that would access the data and doing some research on a state level. She said that the system is great and that we finally have answers to questions people ask about what kind of impact we are having, who we are really serving, and what services we are providing.

Director Kane noted that extensive reports on various staff activities are in the materials. She noted that the web page has been refreshed and is referred to now more than ever before. She noted that as our budget has declined, and our ability to print and reprint various publications declines, we refer more people to the site.

Director Kane noted that while early retirement will have a significant effect on a lot of state agencies, it will probably have a minor effect on the Authority. She indicated that only five people have expressed interest, and that fewer will take advantage of it. She said that she anticipates that we will have tremendous stability among senior staff.

Budget Committee Report

Chairman Bensinger noted that State's Attorney Waller is the chair of the Budget Committee, but was unable to attend the August 7th meeting. However, he called on State's Attorney Waller to provide the report. State's Attorney Waller reported that the Budget Committee met once since the last Authority meeting. He said the copies of the summary of the meeting are at members' places. He noted that the committee acted on adjustments and plan approvals for the 1999 and 2000 Byrne funds, 2001 JAIBG funds, 2001 LLEBG funds, 1999 and 2002 VOCA

funds, and 1997 through 2002 VAWA funds.

Chairman Bensinger called on Diane Griffin to provide a fiscal report to the Authority. Ms. Griffin noted that the fiscal report is included in the mailing. She said that Exhibit 1 is the fiscal report for the period July 1, 2001 through July 31, 2002 for the operations portion of the budget. She said that this is not yet final, since the lapse period went through August and we were still processing paperwork until the last day. She noted that these figures include the 2 percent reserve imposed during the fiscal year. She reported that by the end of July we expended 82 percent of our general revenue operations budget and 67 percent of our users' fund budget. She noted that the users' fund rolls over into the next fiscal year.

Ms. Griffith reported that Exhibit 2 is the report for awards and grants for the same time period. She said that we have done well and been able to get money out to our grantees on a timely basis. She indicated that we did have a small reserve of general revenue matching funds for federal assistance support and that a portion of the balance in the Exhibit reflects that. She reported that the federal funds roll over into the next fiscal year.

In response to a question from Chairman Bensinger, Ms. Griffin explained that the Criminal Justice Information Projects fund provides us with spending authority to receive additional federal funds that we may not have in place at the beginning of the fiscal year. She said that that appropriation is generally much higher than what is actually expended.

Director Kane reminded members that in the middle of last fiscal year, the governor required state agencies to request permission to spend money in a wide range of line items such as out of state travel, whether or not it is general revenue funded. She said that there were a number of things that were very restricted and we did not get a lot of permission to spend general revenue funds. She said that spending decisions were made in anticipation of supporting the budget. She said that it is not a question of us not managing properly or failing to spend what was originally appropriated. She said that we still need the funds, but are going without some things that we would prefer to have.

{Director Goetten made a motion, seconded by State's Attorney Devine, to approve the funding recommendations as contained in the memo. The motion passed by unanimous voice vote.}

Information Systems Committee Report

Ms. Josh noted that she was unable to attend the last Information Systems Committee meeting, but called on Steve Prisoc to provide the report. Mr. Prisoc reported that the Information Systems Committee met on August 28th and a summary of the actions taken at that meeting is at members' places. He said that the committee recommended that an Illinois State Police proposal for \$36,000 be forwarded to the Budget Committee. He said that that proposal seeks to provide disaster recovery for LEADS agencies in the event that the Illinois State Police computing facility has to be moved. He reported that the committee also talked about its evolving role in reviewing information systems proposals and the need for ongoing coordination of agency systems proposals. He said that this was especially important in light of integrated justice. Chairman Bensinger then thanked the Information Systems Committee for their diligent work. He noted that this is a long-term project and that we have already seen some dramatic results.

Status Report – Study of Racial Differences in Sentencing (Loyola University and TASC)

Chairman Bensinger noted that the next item on the agenda is a status report on racial differences in sentencing. He said that at the last Authority meeting, we heard a presentation on disproportionate minority confinement in the Cook County juvenile justice system. He said that the staff has pointed out important findings. He noted that disparities among racial groups appeared at the entry of the system but did not appear to be compounded during the process. He said that the Human Rights Watch report came out at the end of the Criminal Justice Planning Assembly over a year ago and Illinois ranked high in terms of incarcerated minorities. As a follow-up to that report and independent of that finding, staff contacted researchers from Loyola University, TASC, and the John Howard Association to examine the issue. He then introduced Dr. Art Lurigio, Melody Heaps and Tim Whitney to brief the Authority on preliminary findings.

Ms. Heaps said that it is a pleasure to be at the Authority because many persons in the room have helped train her in this filed. She also noted that the Authority has been a supporter and engaged in dialogue with regard to substance abuse and the criminal justice system. She said that the Authority has taken a leadership role and been there for TASC and other entities that seek to look toward treatment as a remedy to reducing drug related crime. She said that over the last ten years there has been enormous activity with regard to programs trying to intervene and treat the substance-abusing offender related to the criminal justice system. She said that the criminal justice leadership in this state is a highly intelligent and sophisticated leadership when it comes to the justice system. She singled out programs run by State's Attorney Devine, who aggressively over the last few years has put together a first offenders program that diverts over 3,000 adults and 1,500 juvenile first offenders from further penetration into the justice system with a success rate of over 80 percent.

Ms. Heaps noted the Authority's support for case management, reentry treatment, programs with regard to specialized treatment facilities outside of the correctional system, the development and increased expansion of TASC by the state as a sentencing alternative, and the expansion of drug courts to handle the enormous amount of drug cases that have come into our population so that there are over 15 drug courts with which TASC is involved. She noted that the Cook County State's Attorney and Cook County have developed a series of programs from a treatment program in the Cook County Jail to a Day Reporting Center to a Prerelease Center. Ms. Heaps said that when the Human Rights Watch report came out, she was quite surprised and dismayed. She said that in discussions with the Authority, we decided to look into the accuracy of the report and should we find it accurate, an analysis of why it was present. She said that her job is to simply provide the context and the process that we have gone through and what we intend to do with support and direction. She said that they are almost at the end of the process of analysis of the report. She said that they will be meeting with leaders in the Cook County area particularly about what we have found in the report. She said that they would also be meeting with members of the Authority. She said what we have done thus far is not only look at what the Human Rights Watch report said but also take a look and track the criminal justice statutes with regard to substance abuse over the course of time.

She then called on Art Lurigio to continue the report. Dr. Lurigio said that the genesis of this project was release of the Human Rights Watch report in May 2000. He said Human Rights Watch is a New York based organization dedicated to the preservation of human rights. The report was given some attention in the local newspaper but there wasn't very much follow-up on the data. The Human Rights Watch used data from the Bureau of Justice Statistics Correctional Populations in America for their analysis. He said that the most recent data available at the time the Human Rights Watch began their initiative was 1996 data. They found that one in every 20 African-American males was in state or federal prison compared with one in every 180 white men in the United States. The percent of African-Americans incarcerated across the country was higher than their representation in the general population of every state and 13 percent higher overall in the United States in the entire correctional population compared with populations of different racial groups in the United States. He said that many scholars have recognized the pernicious effect disproportionality has had on the cohesion, economic viability and social political capital in African-American communities. He said that the Human Rights Watch concentrated their discussion on the BJS data but also prepared some secondary analysis and observations on other data that had been made available. Illinois had the dubious distinction of ranking number one in the country with respect to the disproportionate confinement of minority drug offenders. African-American men are 57 times more likely to be in prison for drug law violations when compared to white men in Illinois.

Dr. Lurigio pointed out that Illinois ranked number one in overall prison admissions of African-American men for drug offenses, incarcerated at a rate of 1,146 per 100,000 compared with a rate of 20 per 100,000 for white males. The next highest state was Wisconsin where African-American men were 53 times more likely than white men to be incarcerated for a drug offense. Dr. Lurigio noted that in some states 80 to 90 percent of persons sentenced to prison for drug crimes are African-American. The Human Rights Watch reported that between 1979 and 1998 the proportion of African-Americans arrested for drug crimes rose steadily and exceeded the proportion that used drugs. Over the same time period, the proportion of whites arrested declined steadily relative to the proportion using drugs. He said that African-Americans are 13 percent of the general population in the United States, and account for approximately 15 percent of the drug users in the United States, but they are 35 percent of the persons arrested, 55 percent of the persons convicted, and 65 percent of the persons incarcerated for drug crimes in the United States.

Dr. Lurigio reported that to better understand and illuminate the problem in Illinois and recommend solutions to the

problem, the first step in the process was to embed the project in a larger national context - a framework of what has gone on with regard to drug policies. He said that looking at arrests and imprisonments over the last 20 years from a national perspective allows us to view Illinois vis-à-vis the rest of the country. He said that Tim Whitney will present a historical analysis of drug-related criminal statutes in Illinois. He said that they are also working on completing an analysis of incarcerations and arrests in Illinois for the purpose of substantiating findings of the human watch report, to examine the data available over the course of 20 or more years and to help us elucidate the problem. He said that they have looked at arrests and incarcerations at various levels in the state and hope that the data will provide them with a solid foundation for discourse with regard to programmatic and policy recommendations.

Mr. Whitney stated that as they began to look at trends in incarceration rates for drug offenses, they knew that one of the foundational elements was going to be an understanding of the scope of the drug offenses for which somebody could be arrested and prosecuted and incarcerated as well as the severity of the sentences that went along with those drug offenses. He said that they reviewed the Criminal Code for the last 17 years to attempt to measure changes in the drug laws. He noted that they started in 1985 because that is the year where we started to see the beginning of a trend of steadily increasing actual numbers and percentages of drug offenders coming through the system. In 1985, there were about 675 total drug offenders in Illinois prisons, representing about 4 percent of the total prison population. By the year 2000, there were over 11,400 drug prisoners, representing about 26 percent of the population.

Mr. Whitney then highlighted some of the significant changes in the laws. He said that the final report would include a comprehensive analysis. He noted that the schedules for marijuana offenses have remained basically unchanged, while the schedules for cocaine, heroin, and methamphetamines have changed. He noted that in 1985 there were no mandatory minimum incarceration sentences for drug offenses. He reported that in 1997 there were some changes in the marijuana laws specifically related to production of the plant, with consideration of the number of plants being produced. He said that with other drugs, there was an addition of enhanced penalties for using a minor to distribute narcotics. In 1988, he said we saw the first major change in the schedules for the offenses that triggered the more severe classes. He said that for cocaine and heroin, we saw a reduction in the triggering amount for possession from 30 grams to 15 grams. With the delivery of cocaine, there was a reduction in the amounts that triggered increased penalties.

Mr. Whitney reported that in 1989 a trafficking law was added to the marijuana statutes related to bringing in over 2500 grams of marijuana to the states. He reported that in 1990 there was a reduction in the amount to trigger mandatory minimum incarceration for cocaine and heroin. Also, the 1,000-foot rule was expanded to include public housing. In 1991, the safe zones for cannabis were expanded to include schools and public housing, and delivery to a pregnant woman. He said that in 1995 a provision was added to require that each drug be treated as a separate offense for the purpose of prosecution and sentencing. In 1996, the street gang drug conspiracy law was added, which enhanced the penalties for any delivery offense that was done within the context of a gang. In 1997, the 1,000-foot rule was expanded to include places of worship and expanded again in 1998 to include nursing homes. Finally, in 2000 two important things happened according to Mr. Whitney. First, methamphetamines were separated from other amphetamines in the statutes and the triggering amounts were dropped significantly. In addition, the definition of public housing was changed to include mixed income housing developments and the penalties for using a minor to distribute were tripled.

Ms. Heaps stated that questions they still have is why, in a state that does not have disproportionate sentencing for crack cocaine, are we number one in terms of drug offenses? She noted that it is disturbing that more white individuals are using drugs and yet fewer are incarcerated as compared to minorities. She said that the final report should elucidate an enormously important discussion about what this means to our communities, to our ability to create families, to not continually have generations of individuals who are part of broken and disparaged families, or who are continuing the kind of offender and crime process.

Chairman Bensing said that the nature of the arrests is a factor that may need to be considered. In response, State's Attorney Devine said that one of his office's major objectives since 1996 is to dramatically increase treatment and diversion programs. He said that we all have recognized that there is a distinction in the types of operations you see in the suburbs versus the city. He said that much more happens indoors in the suburban areas of drug activity,

which creates issues for law enforcement that don't exist when people are out on the street. He said that they are trying to deal with that as well through diversions and treatment programs and also through the review that is done as they proceed through the criminal justice system. He said that there has never been felony review of drug cases, but they have begun to take a look at that though it is a question of resources. He said that they try to have informal reviews, but not the specific formal felony review before a case is charged. He said that he is interested in talking with the researchers to see if there are issues that have somehow been missed or haven't been dealt with.

State's Attorney Waller noted that some of the legislation passed in the time period was in response to very specific problems and we had a much more severe crime rate in the 80's when crack cocaine was introduced. He said there were policy decisions that were made then that were probably good policy decisions and they may no longer make sense. He said that he hoped the report will have some context in that regard. Mr. Piland noted that he also took a look at the methamphetamine issue. He said that he found that they treated methamphetamines, a drug used primarily by white lower socioeconomic class people, in a much more lenient way than other drugs were treated. He said that he proposed legislation to raise the penalties to address the disproportionate impact resulting from the treatment of this offense. Mr. Piland expressed some concern over the numbers used by the researchers. He said that they are seeing in Champaign County significant increases in the number of white people who are being incarcerated for long periods of time by virtue of their involvement with methamphetamines. He noted that virtually none of that is going to be captured in the report because methamphetamines have only recently been introduced into the state. He said that if you looked at his county for the period of 2001 as compared to 1998 you would see a larger minority population incarcerated in 1998 than in 2001. He said that as time goes on that disparity is going to change because we are now facing a new problem. He said that the final report should keep these factors in mind.

Sheriff Bukowski said that they quarterly analyze those who are incarcerated in their jail to attempt to figure out what factors are involved. He asked if the study will include issues such as previous arrests and previous convictions because the persons held in county jail often have a long history of previous arrest, and that must be a factor during prosecution and sentencing.

Director Kane said that data regarding who is referred to treatment and who has declined help may also be a factor. Mr. Piland noted that there is some judgment that is made with regard to a person who is a possessor, whether he possesses with the intent to deliver or he is a possessor who is a small time player. He said that the vast majority of people who are in drug treatment programs in his community are not there for drug offenses at all. They are there for drug-related or drug-driven crimes. He said that he does not care whether a person who is selling a large amount of drugs receives treatment – he wants that person to go to prison. He suggested that the offenders be looked at in finite groups – users, offenders and then drug-driven crimes.

In response to a comment from State's Attorney Waller, Ms. Heaps noted that one of the first studies to come out looking at offenders with drug-related crimes was done in Delaware. That study looked over the course of years at some 11,000 people and came out with a profile that these are people who have been arrested many times before. Dr. Lurigio said that during active periods of drug use, crime increases. When persons are in treatment, crime goes down significantly. He noted that treatment saves a lot of money with regard to processing through the criminal justice system. In response to a question from State's Attorney Waller, Ms. Heaps said that mandatory testing programs are still ideas that need to be looked at in terms of an informed policy. Chairman Bensinger said that the public and policy makers do not often consider that drug users who are not in treatment have a greater crime rate and drug users who are in treatment have a reduced crime rate.

Mr. Piland said that most of the people we have come back into the system again have been in treatment several times. He said that you have to have a testing mechanism to make sure that the treatment is working. He said that if you have consequences and you have them in treatment, and they know they are going to be tested regularly, that is when you have success. He said that testing is the forgotten prong in this issue. He said that he thinks that with testing you would see rates of recidivism go way down because they know that if they are checked and are in violation, they will go to prison. Ms. Heaps agreed and said that one of the tools we use is built on the ideas that if you do not have accountability; you are not going to change the behavior. She said that accountability is very critical and that may mean facing the severity of the final judgment of incarceration.

New Business

Chairman Bensinger asked what is going on with respect to terrorism and threats and the coordination between homeland security and local law enforcement. Mr. Bouche indicated that there are quite a few programs that have been initiated in the past year and that is one of the reasons why Director Nolen could not attend today's meeting. He said that there have been drastic improvements in communication and information sharing but that we have a long way to go. He noted that we are working on addressing the issue of disparate systems that don't share information in a timely fashion. He said that there are a variety of programs that have been started and that there are contingency plans in place. Chairman Bensinger expressed concern that the first line of response is local law enforcement and the fire departments and hopefully those linkages will improve. State's Attorney Devine reported that the U.S. Attorney has convened a task force that meets regularly to make sure that we are developing these lines of communication. He said that it is a good start and everybody is committed to it, but nobody should think that we are at the optimum stage yet. He reiterated that there is the communication and the commitment and willingness to keep working on this.

Mr. Bouche noted that although there has been a lot of money allocated, not a lot has been distributed. He said that most of what has been distributed has been spent on first response. He said that we have not seen the type of money put into the technological infrastructure that we want. Regarding intelligence gathering, Mr. Bouche noted that for information systems, intelligence gathering is the first piece they have looked at. He said that mechanisms were created that allow law enforcement and public safety to share information from the federal level. State's Attorney Waller said that the federal government has set up an information system called LEO, where local law enforcement can receive information. He said that they put on terrorism training in Palos and it is being repeated in October in Lake County for law enforcement. He indicated that U.S. Attorney Patrick Fitzgerald has really reached out and has met with local state's attorneys and law enforcement.

Sheriff Bukowski said that the Department of Justice and the Illinois State Police worked out a terrific system for communicating with local law enforcement on a daily basis. He said that there are plans in Chicago, for instance, where resources can move from the southern portion of the state to assist other areas farther north. Chairman Bensinger suggested that we may want to invite U.S. Attorney Fitzgerald to address the Authority. Mr. Farrell reported that there would be a program involving first responders and attorneys. He said that it will lead up to a series of meetings and planning into a simulated disaster or simulated terrorist attack in the next several months. Chairman Bensinger expressed his hopes that we can rekindle the spirit of bi-partisanship that was felt in the country a year ago.

For further new business, Ms. Josh noted that she had a request from local law enforcement in her area to bring to the Authority's attention the need for better lead time regarding applications for Local Law Enforcement Block Grants. She reported that for these small agencies, putting the resources together and going to the appropriate boards to get permission to even apply for a grant takes time. She indicated that there was a concern that the lead-time was not adequate and that local agencies are requesting additional time so that they can take advantage of the grants and get them to their boards for approval. In response, Director Kane said that we try to have the solicitations out for 45 days, preferably 60 days. She noted that for our last round of Local Law Enforcement Block Grants, 400 proposals were submitted on time.

Next, State's Attorney Devine noted that people on death row have filed over 150 petitions for clemency. He said that he has heard that one-half hour will be allocated for each case. He said that his view, which others including Mike Waller have also shared, is that one-half hour is woefully inadequate considering the thousands of hours that have gone into each of these cases. He said that the Prisoner Review Board is entering into a time crunch, which is self-generated. He said that these cases reduced to 15 minutes per side are an affront to the criminal justice system.

State's Attorney Devine said that he has contacted the Prisoner Review Board regarding this issue. He said that he understands the problems the Prisoner Review Board has because this was thrown at them. He said that he thinks that those who believe in the criminal justice system should all make their voices heard that a full hearing is necessary in each case. He said that the experience of prosecutors in death penalty cases is that they normally run five to six hours when there have been hearings. He said that families do and should have an opportunity to have their say.

Chairman Bensinger noted that representatives of the Attorney General, the State Appellate Defender, and the State's Attorney Appellate Prosecutor were nodding their heads. He asked whether the Authority should take a position on the issue and communicate that to the appropriate authorities at the Prisoner Review Board. State's Attorney Devine said that would be helpful. Director Gottfried said that the Prisoner Review Board primarily reviews written information. He said that if we do adopt a resolution, it should be urging the Prisoner Review Board to make the resources available to hear from those who want to be heard, but not impose a six-hour deadline because in some cases there are not witnesses on either side to testify. State's Attorney Devine reiterated that some cases may take more time than others, but a fixed 30 minute time period does not sound right.

State's Attorney Waller said that the problem is that every single death penalty case has been thrown into this process including a case where the death penalty hasn't even been imposed. In addition, he said that there are cases where the death penalty has just been imposed and there is an appeal. He said that some of these cases should not be heard at this point in the process and the ones that should be heard should have a full and complete hearing. He said it appears that there is an opportunity that the defense is taking advantage of, but it should not be happening the way it is happening right now. Mr. Piland said that he understands that the Prisoner Review Board generally does not have a retrial or rehearing of the facts of a case to determine guilt or innocence. State's Attorney Devine responded that he thinks that the review board is not limited by the normal evidentiary issues that come up. He said that this is going to be a process where the issues of guilt or innocence will be discussed. He said that we all should be able to agree that there should be a full hearing in each case in which the board will make a recommendation to the governor.

{State's Attorney Devine made a motion urging the Prisoner Review Board should have full and open hearing not necessarily limited to 15 minutes per side and that such hearing should include representatives of families of victims to present and offer comments. The motion was seconded by Mr. Apa and adopted by unanimous voice vote.}

Chairman Bensinger adjourned the meeting after a motion by Ms. Josh, a second by Director Gottfried, and a unanimous voice vote.

Respectfully Submitted,



Robert P. Boehmer
Secretary and General Counsel