

# The Illinois Moratorium on the Death Penalty

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## The Governor's Commission on Capital Punishment

Illinois suffered embarrassment when person after person on death row were found to be actually innocent. In some cases the police and prosecutors knew they were innocent but faced pressure to convict someone. In other cases other problems led to the conviction and death sentences of innocent persons.

On January 31, 2000, Governor Ryan imposed a moratorium on executions to create some time for a thorough study of how the death penalty operated in Illinois.

The commission consisted of 14 experts from various backgrounds.

They were evenly matched with 7 supporting the death penalty and 7 opposing it.

Governor Ryan told them to examine anything and everything that pertains to the way Illinois practices the death penalty.

They worked for two years and produced a report on April 15, 2002.

⇒ Circulate the handout: "How Does Washington State's Use of the Death Penalty Compare with the Mess in Illinois?"

At the top of that page, the three-column introduction provides background to the Illinois Governor's Commission on Capital Punishment.

## What the report recommended

The report contains chapters addressing about a dozen big topics. Each chapter addresses some of the problems that the commission discovered – and some recommendation for that topic. The report's chapters covered these topics:

- Police and Pretrial Investigation
- DNA and Forensic Testing

- Eligibility for Capital Punishment
- Prosecutors' Selection of Cases for Capital Punishment
- Trial Judges
- Trial Lawyers
- Pretrial Proceedings
- The Guilt-Innocence Phase
- The Sentencing Phase
- Imposition of Sentence
- Proceedings Following Conviction and Sentence
- Funding
- General Recommendation

The report also included a conclusion, a bibliography, and an appendix.

⇒ To give examples of the kinds of issues addressed in the report, I'll highlight a few items in a few chapters.

### Implementation – Accomplishments -- Shortcomings

The Illinois State Legislature addressed some issues and ignored some others.

In November 2003 the Illinois State Legislature passed a bill to fix some of the major problems.

⇒ Hand out copies of the one-page article about that bill.

The January 2008 issue of the *Illinois Bar Journal* ([www.isba.org](http://www.isba.org)) reported on progress in fixing the problems. The article beginning on page 38 was titled "Proposed Reforms to the Illinois Capital Punishment System: A Status Report." It was written by Thomas P. Sullivan, a prominent lawyer who co-chaired Gov. Ryan's commission and who also co-chairs the Illinois General Assembly's Capital Punishment Reform Study Committee.

Sullivan's article reports on important progress on some reforms and frustrating roadblocks on some others. (Summarize a few.)

His article ends with a conclusion with a few important points. (Summarize these.)

### Questions – Answers -- Discussion