



Advisory Commission on
Wrongful Convictions
Minutes
November 17, 2003

Attorney Conference Room
Supreme Court Building

Attendees:

Jim Adcock, Jim Bergenn, Deborah Del Prete Sullivan, Sarah Dungan, Melissa Farley, Matt Hallisey, John Hogan, Mike Lawlor, Robin Montgomery, Christopher Morano, Mike Muczynski, Jim Papillo, Gerard Smyth, Adam Sofen.

- I. Judge Pellegrino called the meeting to order and welcomed everyone. Attendees introduced themselves.
- II. Representative Michael Lawlor discussed why the Advisory Commission on Wrongful Convictions was formed.
 - A. The formation of the commission is one component of the entire DNA public act that was recently passed. The goal of the act is to do a variety of things in the general area of DNA:
 - 1) Expand the DNA data bank;
 - 2) Ensure that guilty people are convicted and punished;
 - 3) Exonerate the innocent.
 - B. The purpose of this commission is to, in a formal way, review and research wrongful convictions, and recommend changes to avoid other wrongful convictions.
 - C. North Carolina was the first state to implement an Innocence Commission under judicial jurisdiction.
 - a. It was initiated by the Chief Justice of the North Carolina Supreme Court.
 - b. North Carolina has dealt mainly with the issues of false identification.
 - D. Yale Law School, in conjunction with the University of New Haven's undergraduate study of criminal justice, will be hosting a class during the spring of 2004 focusing on innocence commissions.
 - a. Their main goal is to provide research to the commission about other innocence commissions and what may constitute a wrongful conviction.
 - E. The commission's purpose is not to blame any one person or group, but to recognize flaws in the system and to identify ways to correct them in the future.

- III. Christina Mumma, Executive Director, North Carolina Innocence Commission reported on the implementation process in North Carolina (via speakerphone).
 - 1. The Chief Justice of the North Carolina Supreme Court initiated the Innocence Commission in November of 2002 to restore public confidence in the judicial system.
 - 2. The commission was not made official until January of 2003. Those in attendance at the first meeting were the Chief Justice, two other justices, several superior court judges, sheriffs, law professors, state prosecutors, public defenders and attorneys from different areas of the law. The commission is now comprised of 30 members from diverse backgrounds and perspectives.
 - 3. The commission's focus is not to examine individual cases, but rather to bring the stakeholders together and look at the need to make procedural changes.
 - 4. Some initial changes that already have been instituted or are currently in the process of being implemented pertain to the areas of eyewitness identification and videotaping interrogations.
 - 5. The commission is based outside of state government and draws upon the resources of the academic community to assist in sorting out the legitimate issues.
 - 6. Currently, there are roughly 25 topics on the list of items to be reviewed and considered by the North Carolina Commission, including eyewitness identification, false testimony and problems in DNA evidence/testing.
 - a. The commission consulted with experts who specialize in these topics.
 - b. The commission recommended changes, the majority of which could be implemented through police training.
 - 7. The North Carolina Innocence Commission does not look at individual cases, which, Ms. Mumma believes, has helped to promote consensus and procedural changes. This is because the purpose of the commission is not to assign blame.

- IV. To date, no other commission similar to North Carolina's is in practice.
 - A. Arizona is in the process of starting a commission. However, the implementation has not been going as smoothly as North Carolina's, as Arizona is looking at particular cases.
 - B. Minnesota also is attempting to create a commission.
 - C. Arizona, North Carolina, Minnesota and now Connecticut will be the only states that with commissions under the auspices of the Judicial Branch.

- V. A discussion about the role of academia in the process occurred.
 - A. The members of the Connecticut Commission on Wrongful Convictions agree that the educational institutions will gather information and present it to the commission members at the next meeting.
 - B. The educational institutions will research the role of other Innocence Commissions throughout the nation.

- C. In addition, the educational institutions will provide to the commission a list of possible definitions of "wrongful convictions" for the commission's review and consideration.
 - D. The statute establishing the Connecticut Commission on Wrongful Convictions authorizes the commission to conduct an investigation to determine the cause or causes of a wrongful conviction. As this requires the review of a specific case, some members expressed concerns about obtaining the information to review a case, the impact on pending appeals, etc.
- VI. The members of the commission discussed the need to expand the membership to ensure that all perspectives will be heard.
- a. There was a suggestion that forensic scientists also should be part of the commission.
 - b. The members will provide Judge Pellegrino with suggestions for additional members.
- VII. The next meeting is scheduled for February 23, 2004, at 1:00 p.m. in the Attorney Conference Room located in the Supreme Court Building.
- A. At that meeting, representatives from educational institutions will present the commission with their research and any suggestions that they might have.
 - B. The composition of the commission will also be finalized.
- VIII. The meeting adjourned at 3:45 p.m.