

New Criminal Justice Commission formed for Wisconsin

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MADISON — In an effort to improve Wisconsin's criminal justice system by identifying and remedying problems that have led to wrongful convictions, legal officials from around the state have formed a new Wisconsin Criminal Justice Study Commission.

The panel's first meeting was held on Wednesday, Aug. 31, at the State Bar Center, 5302 Eastpark Blvd., in Madison.

The commission was formed by the State Bar of Wisconsin, the University of Wisconsin Law School, Marquette University Law School and Wisconsin Attorney General Peg Lautenschlager.

The problem of wrongful convictions is well recognized. Manitowoc County resident Steven Avery served 18 years in prison after a conviction based largely on an eyewitness identification before he was exonerated by DNA evidence.

Between 1989 and 2003, at least 328 wrongly convicted people nationwide were legally exonerated and freed from prison, including several from Wisconsin, in addition to Avery.

In many of those cases, the wrongful conviction of an innocent person meant that a violent and dangerous offender was allowed to escape detection and remain free in the community.

More than half of the 328 exonerated people served more than 10 years in prison, and 80 percent served at least five years. Overall, they served more than 3,400 years, at an estimated cost to taxpayers of \$85 million. The number of discovered exonerations raises questions of whether the actual number of wrongful convictions might be much higher.

All three branches of government in Wisconsin have begun to take action to address this problem. Lautenschlager recently implemented a new "Model Policy and Procedure for Eyewitness Identification" that places Wisconsin law enforcement in the forefront of the national movement to implement the most scientifically reliable eyewitness identification procedures.

The Wisconsin Supreme Court recently decided four cases with important consequences for the truth-seeking function of courts. And the Avery Task Force, a legislative commission, introduced legislation to address some of the causes of wrongful convictions.

The new commission is made up of well-respected criminal justice professionals from every level in the justice system, including prosecutors, police, defense attorneys, judges, and victims' advocates, as well as community leaders from outside the system.

Commission members will have freedom to determine their own agenda by identifying important problems and crafting solutions. The commission is expected to meet five times over the next year. The members are:

- Stephen E. Bablitch, former CEO, Cobalt Corporation and former secretary, Wisconsin Department of Corrections;
- *Daniel P. Bach, Wisconsin deputy attorney general;*
- *Penny Beerntsen, victim's advocate;*
- *Daniel D. Blinka, law professor, Marquette University Law School;*
- *Jerome F. Buting, attorney, Buting & Williams;*
- *John Charewicz, Portage County sheriff;*
- *Walter J. Dickey, law professor, University of Wisconsin Law School;*
- *Robert D. Donohoo, chief deputy district attorney, Milwaukee County;*
- *Enrique Figueroa, director, Roberto Hernandez Center, University of Wisconsin-Milwaukee;*
- *Keith A. Findley, law professor, University of Wisconsin Law School;*
- *Hon. Frederic W. Fleishauer, Portage County circuit court judge;*
- *Stephen M. Glynn, attorney, Glynn, Fitzgerald & Albee;*
- *Thomas J. Hammer, professor, Marquette University Law School;*
- *Ken Hammond, director, Law Enforcement Education, Training & Standards Bureau, Wisconsin Department of Justice;*
- *Nanette H. Hegerty, Milwaukee chief of police;*
- *Scott L. Horne, La Crosse County district attorney;*
- *Peggy A. Lautenschlager, Wisconsin attorney general;*
- *Hon. Michael G. Malmstadt, Milwaukee County Children's Court judge;*
- *Cheryll A. Maples, administrator, Community Corrections, Wisconsin Department of Corrections;*
- *Hon. Emily S. Mueller, Racine County Circuit Court judge;*
- *Gerald W. Mowris, attorney, Pellino, Rosen, Mowris & Kirkhuff and former president, State Bar of Wisconsin;*
- *Suzanne C. O'Neill, attorney, Wisconsin State public defender;*
- *Floyd Peters, Superior chief of police;*
- *Gerard A. Randall, Jr., CEO and president, Private Industry Council, Workforce Development Board of Milwaukee County;*

- *Michael E. Smith, law professor, University of Wisconsin Law School;*
 - *Kelli Sue Thompson, Wisconsin deputy state Public Defender;*
 - *Noble Wray, Madison chief of police.*
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