

Capital Punishment Reform Study Committee
Minutes of Subcommittee No. 2 meeting

April 16, 2007

Subcommittee 2 met at Northwestern University Law School from 11 A.M. to 12:45 P.M. Attending were subcommittee members Leigh B. Bienen, Thomas P. Sullivan and Michael J. Waller (via teleconference). Also present were Peter G. Baroni, Special Counsel, David E. Olson, Research Scientist, Molly E. Heiler, Ms. Bienen's research assistant, and Brett M. Hellinga, legal counsel to Kirk W. Dillard (via teleconference).

1. Research database.

Ms. Bienen and Ms. Heiler reported on the contents of the database they set up for first degree murder indictments from across the State, with updates based on cross checking information with Illinois Department of Corrections data. Mr. Olson noted that although some Corrections data is flawed, the corroboration of collected first degree indictment information is an important function served by the Corrections cross check.

2. Mr. Sullivan's data collection.

Mr. Sullivan reported to the subcommittee on his personal effort to analyze first degree murder cases based on information provided to him by the Illinois Coalition to Abolish the Death Penalty. Mr. Sullivan compiled data on all first degree murder cases disposed of in Illinois trial courts in

2006 in which the prosecution filed a certification seeking death pursuant to Supreme Court Rule 416(c). Mr. Sullivan agreed that when his data and findings are more refined, he will share them with the subcommittee and Mr. Olson.

Mr. Waller suggested the subcommittee recommend that the Illinois Supreme Court adopt a rule requiring the Administrative Office of the Illinois Courts (AOIC) to collect the kind of data Mr. Sullivan analyzed. He said that AOIC is the agency best suited to collect the data relating to compliance with Supreme Court Rule mandates.

3. *Mr. Olson's data collection.*

Mr. Olson reported to the subcommittee that he has drafted several versions of a survey instrument to be sent to law enforcement, prosecutors, defense attorneys and judges. He plans to have a working draft of each survey to disseminate to the subcommittee and the full Committee within the next month. Mr. Baroni was directed to review the survey drafts, and compare each with the lists of information each subcommittee seeks to further the study efforts of the respective subcommittees. Mr. Olson said he would meet with a Lake County Assistant State's Attorney who has handled capital cases to review the prosecution survey as part of the drafting process.

Mr. Waller suggested Mr. Olson contact Mr. Nora to facilitate obtaining information from the Cook County State's Attorney's Office.

3. *DNA issues to subcommittee 4.*

Mr. Sullivan suggested subcommittee 2 transfer responsibility for addressing DNA issues to subcommittee 4. The subcommittee agreed to recommend that transfer to the full Committee.

4. *Next meeting – June 4, 2007, 11 A.M.*

It was agreed that the next meeting of the subcommittee will be held on Monday, June 4, 2007, 11 A.M., at the Illinois Criminal Justice Information Authority, 120 South Riverside Plaza, Chicago, Illinois.

Peter G. Baroni
Special Counsel
May 24, 2007