

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

August 6, 2007

Subcommittee 2 met at the offices of the Criminal Justice Information Authority from 12 P.M. to 1 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 Analyst and Patrick Foley, Loyola University; Mark Myrent and Jack Cutrone, CJIA; Mark Warnsing, Senate Republican staff legal counsel (via teleconference); and Jennifer Cordis, Michael Margolis and Sapna G. Lalmalani, Jenner & Block.

Approval of the July 6, 2007 meeting minutes was postponed until the next subcommittee meeting to allow members time to review.

1. Committee survey and data collection.

a. Mr. Olson's survey.

Mr. Olson reported on his efforts to finalize the draft surveys for police, prosecutors, defense attorneys and judges. He incorporated most of the editorial comments submitted by Committee members, and hopes to have final surveys for submission to the Loyola University Institutional Review Board (IRB) before the end of August. Based on Mr. Olson's

analysis of the survey subject matter, he recommends the survey be confidential, anonymous and voluntary, in order to comply with IRB requirements, increase response rate and candid responses, and protect against future misuse by third parties.

Another outstanding survey issue concerns the mechanism the Committee uses for distribution. The cooperation of the Administrative Office of the Illinois Courts (AOIC) may be one way to effectively disseminate the survey to attorneys and judges. Mr. Olson will contact the AOIC to discuss their involvement. Private defense attorneys may be identified through the Capital Litigation Trust Fund.

Mr. Olson also submitted a draft survey cover letter for the subcommittee's review, and several draft charts outlining the changes in first degree murder sentencing over the last two decades. The charts show the impact of the "truth in sentencing" law, enacted in 1998, on first degree murder sentencing. At Mr. Sullivan's request, Mr. Baroni will distribute the draft charts to all members of the committee.

b. Ms. Bienen's indictment based data collection effort.

Ms. Bienen said she contacted the defense attorneys handling the *People v. Denson* capital murder case pending in Kane County, Illinois.

She also spoke to Daniel Coyne, a social scientist hired by Mr. Denson's defense counsel to conduct a capital punishment proportionality study. Ms. Bienen reported exchanging information with Mr. Coyne relating to their mutual collection efforts. Ms. Bienen continues to seek first degree murder indictment information from county prosecutors that have not responded. Mr. Sullivan, Mr. Waller and Mr. Schwind will also seek indictment information from those counties yet to comply with the Committee's request for information. The Cook County Public Defender has agreed to share information with the Committee, and the two data bases will be compared and merged to create a more complete record of cases.

2. *Next meeting – September 17, 2007, 11 A.M.*

It was agreed that the next meeting of the subcommittee will be held on Monday, September 17, 2007, 11 AM at the Illinois Criminal Justice Information Authority, 120 S. Riverside Plaza, Chicago, Illinois.

The meeting was adjourned at 1 P.M.

Thomas P. Sullivan
9/11/07