

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

July 6, 2007

Subcommittee 2 met at the offices of CIJA from 10 to 11 A.M. Attending were subcommittee members Leigh B. Bienen, Thomas P. Sullivan and Michael J. Waller (via teleconference). Also present were Peter G. Baroni (via teleconference), David E. Olson, Research Analyst, Theodore A. Gottfried, Patrick D. McAnany and Regan McCullough of the Illinois Coalition to Abolish the Death Penalty, Mark Warnsing, part time Republican Staff legal counsel (via teleconference), Bernard J. Sarley, Capital Case Coordinator, Cook County Public Defender, and Sapna G. Lalmalani, Jennifer L. Cassel and Aaron J. Stucky of Jenner & Block.

The minutes of the June 4, 2007 meeting were approved unanimously.

1. Collection of information re 2003-05 murder indictments.

Mr. Olson and Ms. Bienen reported on their efforts to collect statistical material and indictments for first degree murder cases from January 1, 2003 through December 31, 2005. Ms. Bienen and her

assistant, Ms. Heiler, are focusing on assembling indictments for all homicides for the years 2003 through 2005, with 2006 to be added later. The indictments collected to date have been entered into an excel spreadsheet. We do not have the indictments for the vast majority of Cook County cases, although we have names of defendants for some of those cases. Ms. Bienen said the information received from the State's Attorney of Cook County regarding first degree murder cases during 2003 through 2006 is a spread sheet containing 906 cases, and that it is difficult to understand the data without additional supporting information. She will ask Mr. Nora to supply the data that is in a more useable form. Ms. Heiler is checking the names and indictment numbers for cases against the files of convicted offenders in the Illinois Department of Corrections open data base. Ms. Bienen noted that we need an effective strategy to obtain the indictments from the nonresponsive counties, including Cook County, so that we may verify the accuracy of information on these cases from other sources. These efforts are ongoing.

Mr. Sullivan agreed to call the State's Attorneys of Champaign, McLean, Sangamon and Will counties to request that they supply us with copies of their first degree murder indictments for 2003 through 2005. Mr. Sarley said he will attempt to assist in the collection of the Cook County indictments.

2. *Mr. Olson's survey documents.*

Mr. Olson said he is working on the drafts of the various survey documents, which he has distributed to Committee members in draft form. His target is to have the surveys in final form and sent out by the end of August, with the request that recipients respond by the end of the year. However, the final survey documents must be approved by the Loyola University Institutional Review Board before they may be distributed under Mr. Olson's auspices.

Mr. Olson reported that he has met regarding the survey document to be sent to police administrators with members of Subcommittee 1, and with an Assistant State's Attorney in Lake County. He has also met with members of Subcommittee 2 regarding the collection of data regarding first degree murder indictments from 2003 through 2006.

3. *Efforts to obtain other data.*

Ms. Bienen reported that she has attempted to obtain information on convictions of first degree murders during the 2003 to 2006 period from the website of IDOC. Mr. Gottfried stated that IDOC has a complete database of those who are sent to IL prisons, but that no information is sent to IDOC regarding cases in which the defendant is acquitted of felony charges. Mr. Olson has attempted to obtain this information through the IL Criminal History Information System. Mr. Sarley said that the Cook County Public Defender records will reveal the race of the victim in the first degree murder cases handled by that office. Mr. Baroni suggested that some of the pertinent information may be obtained from the IL Dept. of Public Health.

4. *Subpoena duces tecum served on Ms. Bienen.*

Ms. Bienen reported that she had received a subpoena duces tecum from a lawyer at the Office of the State Appellate Defender, regarding a first degree murder case pending in Kane County. Mr. Sullivan stated that he has spoken with the lawyer who said we do not have to be

concerned about the return date, because he will attempt to obtain the requested information from another source.

Ms. Bienen said she has spoken to both John Hanlon, the attorney of record in the case, and to Dan Coyne. They are attempting to compile information on cases for the Public Defender in connection with the Kane County case issuing the subpoena. Mr. Sullivan said he will contact Mr. Coyne to attempt to coordinate our mutual efforts.

5. *Next meeting – August 6, 2007, 12 noon.*

It was agreed that the next meeting of the subcommittee will be held on Monday, August 6, 2007, at noon at the Illinois Criminal Justice Information Authority, 120 S. Riverside Plaza, Chicago, Illinois.

The meeting was adjourned at 11 A.M.

Thomas P. Sullivan
8/6/07