

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

June 4, 2007

Subcommittee 2 met at the Illinois Criminal Justice Information Authority, 120 South Riverside Plaza, Chicago, Illinois. from 11 A.M. to 12:50 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, Patrick Foley, Mr. Olson's assistant, Molly E. Heiler, Ms. Bienen's research assistant, and Mark Warnsing, legal counsel to Kirk W. Dillard (via teleconference).

The minutes of the April 16, 2007 subcommittee meeting were approved unanimously.

1. Subpoena duces tecum served on Ms. Bienen.

Ms. Bienen reported that she was served with a subpoena *duces tecum* requesting the production of documents -- all first degree murder indictments collected by the Committee. The subpoena was issued by defense counsel, David E. Camic, of Aurora, in connection with *People v. Denson*, 05CF1324 (16th Judicial Circuit, Kane County), a capital murder case. The subpoena has a return date of June 18, 2007. Mr. Waller

suggested that the full Committee discuss the issue at its meeting today. The subcommittee directed Mr. Baroni to research the issue of the Committee's obligation under the subpoena. Ms. Bienen suggested the Committee adopt a policy on replying to subpoena requests.

2. *Research database.*

Ms. Bienen and her assistant Ms. Heiler gave an update on the contents of the database they set up for first degree murder indictments from across the state. The updates were based on cross checking information with Illinois Department of Corrections data. The database has 1,329 entries. Entries include 28 counties reporting no first degree murder indictments during the reporting period, and 1,301 entries referencing first degree murder indictments. The 1,301 entries relate to actual first degree murder indictments the Committee received, and lists or descriptions of first degree murder indictments provided by prosecutors and public defenders from across the state. A total of 29 counties failed to respond to the Committee's request for first degree murder indictments. The cross referencing work continues by Ms. Bienen and Ms. Heiler.

3. *Mr. Olson's survey instrument.*

Mr. Olson distributed a first draft of a survey for prosecutors and law enforcement. He described the document as encompassing all the questions

raised by each subcommittee. Once Mr. Olson gets preliminary approval of the surveys distributed, he will draft the surveys for judges and defense attorneys. Mr. Olson will present the surveys to the Loyola University Institutional Review Board after they are approved by the Committee. Mr. Olson reported that he met with the chief of felony prosecutions for the Lake County State's Attorney's Office, Patricia Fix, and asked her to provide feedback on the questionnaire. She provided Mr. Olson with helpful comments.

Mr. Sullivan and Ms. Bienen made a number of suggestions regarding the survey instruments. The subcommittee agreed to review the surveys and provide feedback to Mr. Olson before the next meeting.

4. Next meeting – July 6, 2007, 10 A.M.

It was agreed that the next meeting of the subcommittee will be held on Friday, July 6, 2007, 10 A.M. at the Illinois Criminal Justice Information Authority, 120 S. Riverside Plaza, Chicago, Illinois.

Peter G. Baroni
Special Counsel
June 21, 2007