

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

December 11, 2006

On December 11, 2006 at 3:00 p.m., a meeting of Subcommittee 2 was held. Attending were Michael J. Waller (via teleconference), Leigh Bienen (via teleconference) and Dan Rippey (legal counsel to Kirk Dillard) (via teleconference).

Minutes of the October 17, 2006 Subcommittee meeting were approved.

DNA backlog.

Mr. Baroni said that the Governor's Office would not provide the information the Subcommittee requested regarding the DNA testing backlog for convicted felons or open cases. Ms. Bienen asked if murders had "DNA kits" like rape kits. Mr. Waller said no such kits existed.

Mr. Waller said that the Lake County Probation Department systematically conducts DNA testing of convicted felons when they are on probation. He believes that is the practice in all other counties. However, when a convicted felon is sentenced to the Department of Corrections, probation departments do not have jurisdiction over the convict and therefore the testing falls to the Department of Corrections. Mr. Waller

suggested the Subcommittee may consider sending a letter to the State Police and The Department of Corrections asking if each is complying with the law requiring them to test convicted felon DNA and DNA evidence in active cases, respectively, as is required by law.

First degree murder indictment data collection.

Ms. Bienen reported that only four major counties have not complied with the Subcommittee's request for indictment/charging information on first degree murder cases. Those counties are Sangamon, Will, Champaign and McClain. Mr. Waller said that he would follow-up with those counties. Ms. Bienen further related that she would like to go back to the counties that have responded for indictment request and ask them for the disposition of each case. Mr. Waller questioned the need for follow-up in that manner because counties comply with the original request based on it being a one time request.

Ms. Bienen would like to make a factual determination as to which murder cases might be eligible to be prosecuted as capital murders. And of this set, which cases are actually prosecuted as capital murders, and which of such cases result in a capital trial and a judgment of guilty of capital murder and the imposition of the death sentence. This is the purpose of collecting the indictments from the counties. Mr. Waller suggested that Mr. David

Olson, the new CPRSC researcher come to the next meeting to advise the Subcommittee as to how best to proceed with the indictment data collection.

The Subcommittee's next meeting will be held on January 16, 2007 at 2:00 p.m., at Northwestern University School of Law, 375 East Chicago Avenue, Second Floor (Faculty Commons), Chicago, Illinois.

The Subcommittee adjourned at 3:40 p.m.

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