

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 Hellinga, legal counsel to Kirk W. Dillard (via teleconference).

1. Research database.

Ms. Bienen and her assistant Ms. Heiler gave an update of 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 some Corrections data is flawed, however, the corroboration of collected first degree indictment information in 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 in 2006 where the prosecution filed a certification seeking death pursuant to Supreme Court Rule 416(c). A summary of Mr. Sullivan's findings is attached as Appendix 1. Mr. Sullivan agreed to share his data and findings with the subcommittee and Mr. Olson.

Mr. Waller suggested the subcommittee recommend the Administrative Office of the Illinois Courts (AOIC) collect the data Mr. Sullivan analyzed as a matter of Supreme Court Rule. Mr. Waller went on to say that the AOIC is the best suited agency 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 the of a survey instrument to go out to law enforcement, prosecutors, defense attorneys and judges. He also said he hopes 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 cross 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 that transfer of oversight.

4. Next meeting – June 4, 2007, 4 P.M.

It was agreed that the next meeting of the full Committee 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 7, 2007