

CAPITAL PUNISHMENT REFORM STUDY COMMITTEE
DNA and proportionality Subcommittee No. 2

Minutes of meeting February 8, 2007

The DNA and proportionality Subcommittee of the Capital Punishment Reform Study Committee (Committee) meeting was held at the Northwestern University School of Law, 375 East Chicago Avenue, Second Floor, Faculty Commons, Chicago, Illinois from 4 to 4:55 P.M. Attending were subcommittee members Leigh B. Bienen, Thomas P. Sullivan (via teleconference) and Michael J. Waller (via teleconference). Present were Peter G. Baroni, Special Counsel (via teleconference); David E. Olson, Committee Research Scientist, Loyola University (via teleconference); and Molly E. Heiler, Ms. Bienen's research assistant.

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

1. Third Annual Report.

The subcommittee agreed to incorporate the first degree murder database summary tables Ms. Bienen and her assistant created into the Committee's Third Annual Report. No other recommendations were made by the subcommittee for inclusion in the annual report.

2. *Future data collection and other information gathering.*

Mr. Olson said he had sought out the data collected by the Governor's Commission on Capital Punishment relating to the proportionality study done by the Commission. Mr. Olson spoke to the Department of Corrections and a former employee of the Governor's staff involved in the study, Mr. Rick Guzman. No one could recall where the data was stored. Mr. Olson will continue his efforts to obtain this information.

Mr. Olson has also asked the Department of Corrections for information relating to all inmates incarcerated at a state prison facility for first degree murder from 1993 through 2006. Mr. Sullivan would like information on all first degree murder cases that state's attorneys have sought death on since 2003.

Ms. Bienen asked Mr. Baroni to prepare a memorandum outlining all capital cases decided by the Illinois Supreme Court from January 2003 through the present. Further, Ms. Bienen would like the memorandum updated as new cases are decided by the Court.

3. *Discussion of other subcommittee's work.*

The subcommittee discussed the subject matter being considered by the Police and investigations Subcommittee of the Capital Punishment Reform Study Committee. The discussion focused on the Illinois

Eyewitness Identification Pilot Project Study Report and the new procedures in place for recording interrogations in homicide cases.

4. *Next meeting – to be determined.*

It was agreed that the subcommittee would agree on a mutually agreeable time to meet after the Committee public hearing on February 26, 2007.

Peter G. Baroni
Special Counsel
February 20, 2007