

TO: Members of Subcommittee No.2

FROM: Leigh B. Bienen, Chairman of the Subcommittee

DATE: October 10, 2005

RE: MINUTES – Subcommittee Meeting held October 5, 2005

Minutes of the subcommittee meeting held on October 5, 2005 @ 2:00 pm at the office of Thomas Sullivan, Chair, Capital Punishment Reform Study Committee.

Present: Leigh Bienen, Tom Sullivan, and Michael Waller on the speaker phone.
Absent: Kirk Dillard. There were no additional members of the committee on the speaker phone.

The first order of business was the approval of the minutes from the prior meeting. Except for minor corrections to the spelling of some names, the minutes were approved and will be forwarded to the members of the entire committee.

Discussion picked up where it left off with regard to the collection of relevant information regarding murder cases in Illinois from January 1, 2003 to the present, for the purpose of creating a factual record which would allow for a reliable and thorough analysis of the application of the Illinois capital punishment statute and the impact of the statutory reforms. This is the subject of our mandate.

We considered how best to proceed with collecting information from the 102 prosecutorial jurisdictions in Illinois. Some discussion ensued concerning the litigation materials supplied at the last meeting by Steven Richards. These materials have been made available to all committee members. Tom Sullivan noted that Steven Richards reported that the Cook County Public Defender and the appellate public defender had records of pending capital cases, and that it would be useful if we could obtain those records. Tom Sullivan also reported that Richards pointed out that the great majority of the cases were likely to come from 19 counties in the state.

Mike Waller described what he did last summer with an intern: He determined the number of murders in his jurisdiction for the period and then calculated the number of murders which might be eligible for capital prosecution. Mike Waller reported that he pulled up by his office's code all the murder cases by year and then eliminated the accomplice murders and the attempted murders, and came up with approximately 30 first degree murder cases for the entire period. Of those, a smaller number, something like four or five, might have been eligible for capital prosecution. Mike Waller said that none of those 30 cases had been prosecuted as capital cases for a variety of individual reasons.

Leigh Bienen and Tom Sullivan said that this was exactly the kind of review which would need to be done in all of the counties. Leigh Bienen noted that what was needed was a brief summary of the facts and circumstances of the case and a copy of the indictment. It was not necessary or desirable to have the county prosecutors or clerks filling out data collection instruments. The factual information and case summary would be turned into a data base by members of the subcommittee, students, associates and staff. What is needed from the county prosecutors is the basic facts with enough information on the specifics so that the case can be matched against other sources of information, e.g., reports of homicides in newspapers, information from the police, etc.

The three members of the subcommittee then discussed what information might already be available in existing data bases in different institutions and agencies, including but not necessarily limited to, the police, the criminal justice authority, and the offices of the prosecutors and the public defenders.

Mike Waller said that he would bring up the matter of information gathering at the December meeting of the Illinois prosecutors, and discuss the process with other prosecutors.

Leigh Bienen and Tom Sullivan will work on drafting a preliminary letter to the prosecutors asking for their assistance in collecting this information. Contacting the other institutions and agencies to see what relevant data they have was parcelled out as follows: Leigh Bienen to contact Larry Trent, Director of the Illinois State Police; Patrick McAnany from the Illinois Coalition Against the Death Penalty, and Rebecca Block from the Chicago Homicide Study, which is part of CJIA; Tom Sullivan to contact Ed Burnette, Cook County Public Defender, Ted Gottfried, Illinois State Appellate Defender, and Sheri Mecklenburg, General Counsel to the Chicago Police Department; Mike Waller to contact Lori Levin at CJIA.

The next meeting of the subcommittee was set for November 8, at 11 am at the offices of Tom Sullivan in the IBM building, with facilities for the conference call to be arranged. The full committee meeting is set for November 14th at 2:00 pm.

cc: Capital Punishment Reform Study Committee Members