



**STATE OF ILLINOIS  
TORTURE INQUIRY AND RELIEF COMMISSION MEETING  
Wednesday, May 18, 2016, 3:00 p.m.**

James R. Thompson Center  
100 W. Randolph Street, Meeting Room 9-040  
Chicago, Illinois 60601

MINUTES

**PRESENT:**

Commissioners

Chairman Cheryl Starks  
Commissioner Marilyn Baldwin  
Commissioner James Mullenix  
Commissioner Paul H. Roldan  
Alternate Commissioner Timothy O'Neill  
Alternate Commissioner Stephen Thurston  
Commissioner Steven Miller arrived after call-to-order

Staff on dais

Rob Olmstead (Executive Director)  
Dr. Ewa Ewa (Chief Financial Officer)  
Roxana Malene (Commission Assistant)

**I. Call to Order/Members Present**

On May 18, 2016 at approximately 3:09 p.m., Chairwoman Cheryl Starks called to order the meeting of the Illinois Torture Inquiry and Relief Commission (TIRC). Present were Commissioners Baldwin, Mullenix, Roldan, and alternate Commissioners O'Neill and Thurston, constituting a quorum. Executive Director Rob Olmstead and Chief Financial Officer Dr. Ewa were also present.

## **II. Approval of Minutes**

Chairman Starks called for a motion to amend draft minutes of the Commission's March 30, 2016 meeting to note that the closed session lasted for 10 minutes. Commissioners so moved and seconded. The correction was approved unanimously. The Chair then called for a motion to approve the draft minutes of the March 30, 2016 meeting, as corrected. Commissioners so moved and seconded the motion. The minutes for the meeting were approved unanimously.

## **III. Chief Financial Officer's Report**

Dr. Ewa reported that Mr. Olmstead and he attended Senate hearings on the FY17 budget and responded to questions. They await House hearings on the budget. Pending resolution of the budget impasse, Dr. Ewa was advised to base the FY17 budget on the FY16 budget going forward. All expenditures except those related to personnel will remain suspended. Interviews for the Staff Attorney position will commence the following week.

## **III. Executive Director's Report**

Executive Director Rob Olmstead updated the Commissioners on the recent decision of the Illinois Appellate Court in Harvey Allen's case, which confirmed that the Commission does not have jurisdiction over Non-Burge cases. Mr. Allen's attorney has filed a Petition for Leave to Appeal; the High Court has not decided whether it will hear this appeal.

Olmstead stated that Senate Bill 392, which would expand the Commission's jurisdiction beyond Burge cases throughout Cook County, passed the Senate on April 21, 2016, and is currently under the consideration of the House Judiciary Committee.

The Illinois Appellate court also confirmed, through the Darrell Fair and Scott Mitchell decisions that the Commission has jurisdiction over cases that involve officers formerly supervised by Burge (Former-Burge cases). While the State's Attorney's motion to re-hear the case was denied last week, the office has until mid-June to file a Petition for Leave to File Appeal with the Illinois Supreme Court.

Director Olmstead updated Commissioners on the police unions' efforts to destroy or de-index police complaint and disciplinary files older than 4 to 7 years old. Mr. Olmstead informed the Commission that in addition to the arbitrator in the Sergeants' contract, the arbitrator in the contract with the Fraternal Order of Police also essentially reversed an initial decision, putting a temporary hold to the immediate threat to these records. In addition, legislators have introduced four different bills for laws to override the police contract provisions seeking destructions of these records. Director Olmstead will keep the Commission apprised of the situation.

Next, Mr. Olmstead informed the Commission that the search for a Staff Attorney had not yet been successful. Mr. Olmstead pointed out that the absence of one of only three full-time staff members has significantly hampered investigations. The staff continues to rely on and work with *pro bono* counsel and has three claimant interviews scheduled within the next week. Obtaining necessary court files from the clerk's office in a timely manner remains a challenge. Commission staff spends a significant amount of time copying files produced in paper format by that office

and searching for missing files the clerk's office cannot locate. Additionally, the staff's time is significantly reduced by responding to Freedom of Information Act (FOIA) and subpoena requests seeking records of the Commission.

The addition of a Staff Attorney should allow at least one attorney to focus full-time on investigation and dispositions. Mr. Olmstead informed the Commissioners that seven candidates will be interviewed the following week and he expects a Staff Attorney to be in place by the next meeting.

Mr. Olmstead and Commissioners congratulated Commissioner Tim O'Neill for earning a Herman Kogan award for his legal column in the Daily Law Bulletin.

Commissioner Roldan asked whether state employees receive their compensation and how that affects the search for new staff. Mr. Olmstead explained that a court order from down state allows the governor to continue to pay employees

Recalling Mr. Olmstead's remark regarding responses to FOIA and subpoenas, Commissioner Mullenix requested clarification on who is interested in records of the Commission. Mr. Olmstead responded that most of the FOIA requests come from incarcerated persons who seek materials to show that officers involved in their cases have a history of abuse allegations. Defense attorneys and the Special State's Attorney ask for related information through subpoenas.

#### **IV. Public Comment**

Chair Starks invited the public to comment; no one came forward.

#### **V. Closed Session**

Chair Starks invited a motion to retire to closed session under Section 2(c)(1) (personnel), Section 2(c)(11) (probable litigation), and Section 2(c)(4) (TIRC Claim 2013.133-S); and Section 2(c)(21) (review of past closed session minutes) of the Open Meetings Act. Commissioners so moved and seconded the motion, which was approved unanimously.

The Commission retired to closed session, reconvening in open session approximately 25 minutes later.

#### **VI. Final Action on Items Discussed in Closed Session**

Chair Starks invited a motion to approve the release the following closed session minutes: The entirety of the May 20, 2015, closed-session minutes; portions of the July 22, 2015, closed-session minutes; and portions of the September 16, 2015, closed-session minutes. Commissioner Roldan so moved. Commissioner Mullenix seconded. All Commissioners were in favor of the release of the referenced minutes.

#### **XII. Adjournment**

Individual commissioners moved and seconded adjournment. The motion passed unanimously.