



**STATE OF ILLINOIS
TORTURE INQUIRY AND RELIEF COMMISSION REGULAR MEETING
Thursday October 5, 2017, 3:00 p.m.**

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

MINUTES

PRESENT:

Commissioners

Chairwoman Cheryl Starks
Commissioner Marilyn Baldwin
Commissioner James Mullenix
Commissioner Robert Loeb
Commissioner Marcie Thorp
Commissioner Steven Miller (via conference call)

Staff on dais

Dr. Ewa Ewa (HRC CFO)
Rob Olmstead (Executive Director)
Michelle Jenkins (Staff Attorney)

Audience members:

Cindy Burke (Administrative Assistant)
18 signed in audience members, 2 listed as presenters, one asking to speak.

I. Call to Order/Members Present

On October 5, 2017, at 3:08 p.m., Chairwoman Starks called the meeting of the Illinois Torture Inquiry and Relief Commission (TIRC or Commission) to order. A quorum was established consisting of the following who were physically present: Commissioners Starks, Thorp, Baldwin, Loeb, and Mullenix.

A motion was made by Commissioner Loeb and seconded by Commissioner Baldwin for Commissioner Miller be able to attend the meeting by conference call due to a family

emergency. The motion unanimously passed.

Executive Director, Robert Olmstead, Staff Attorney, Michelle Jenkins and Administrative Assistant, Cindy Burke were also present.

II. Approval of Minutes

Chairwoman Starks called for a motion to approve the draft minutes of the July 19, 2017, regular meeting.

A motion was made by Commissioner Baldwin and seconded Commissioner Loeb to approve the minutes as written. The minutes for the March meeting were unanimously approved.

III. Chief Financial Officer's Report

Dr. Ewa reported that he met with Executive Director Olmstead to discuss the FY19 Budget. He presented 3 scenarios, one with the budget reduced, one with the budget flat and one that involved an increase in the budget to hire 2 additional staff attorneys and one paralegal. He reported that the FY18 budget was submitted to the Comptroller's office and discussed a strategy for recommendations. He asked if there were any questions. There were none. Dr. Ewa left the meeting.

IV. Executive Director's Report

Executive Director Olmstead reported that he and Commissioner Mullenix had a productive meeting with Amy Campanelli and several staff members in August regarding locating files in their offices. He mentioned that he would keep the board informed. He also reported that he met with Dr. Ewa regarding the FY19 budget. He has reached out to the Commission's liaison to the Governor's office as well as key legislators to make them aware of the funding situation in relation to the change in statute and increased claims. Executive Director Olmstead also reported the results of the letter to the judiciary that the Board approved at the last meeting. He received a letter of acknowledgement from Judge LeRoy Martin, chief of the criminal division.

V. Claims

Chairwoman Starks introduced the next agenda item.

1) Weston, Demond (2011.107-W)

Executive Director Olmstead highlighted the minor citation changes from the draft that was sent to the board. He also made note of the 2 notebooks on the dais with selected Exhibits for Commissioner viewing. Staff Attorney Michelle Jenkins had a Commission laptop on the dais with the entire record for Commissioner viewing.

Brooke Clason Smith with Schiff-Hardin presented the recommendation on behalf of the Executive Director. She noted that the case was a close call, but the ultimate recommendation was that the claim should be recommended for further judicial review. She highlighted certain exhibits. Commissioner Loeb and Mullenix asked specific questions

related to the exhibits. Executive Director Olmstead noted that the impounded evidence file was lost by the Clerk's office. Chairwoman Chairman Starks asked if there were any additional questions.

The chair granted leave for attorney Rita Srivastava to speak on behalf of the claimant. She read a statement in support for referring the claim for further judicial review. She cited specific reasons and outlined the alleged torture. She mentioned that her client Demond Weston was grateful for the consideration. There were no questions.

Demetriss McIntosh (older sister of Demond Weston) read a statement. She highlighted that she felt his life had been taken away.

Chairman Starks noted that the level of detail of the claimant had changed. Commissioners Baldwin, Mullenix, Thorp and Loeb had additional questions. Executive Director Olmstead added additional comments.

Chairwoman Starks called for a voice vote, yea vote, to approve of further judicial review, nay, to not approve further judicial review. The vote was taken as follows: Commissioner Baldwin (Nay), Commissioner Loeb (Nay), Commissioner Mullenix (Yea), Commissioner Thorp (Yea), Commissioner Miller (Yea), Chairwoman Starks (Yea).

Executive Director Olmstead noted that the Commission's statute and rules require a minimum of five affirmative votes to refer to court or four negative votes to dismiss. Because of one absence and one lack of an appointment from the Governor's Office, the vote was insufficient for either and would be tabled until more Commissioners could attend or be appointed.

2) Cieslowski, Paul (2017.529-C)

Executive Director Olmstead made an introduction of the Cieslowski claim. He cited jurisdictional issues in recommending dismissal.

Chairwoman Starks called for a voice vote to summarily dismiss the Cieslowski claim. An individual voice vote was taken. Commissioners voted unanimously to summarily dismiss the claim.

3) Johnson, Michael (2017.527-J)

Staff Attorney Michelle Jenkins introduced the Johnson claim and cited jurisdictional issues in recommending dismissal.

Chairwoman Starks called for a voice vote to summarily dismiss the Johnson claim. An individual voice vote was taken. Commissioners voted unanimously to summarily dismiss the claim.

VI. Public Comment

Audience member Charles Gordon spoke. Mr. Gordon stated that he is the brother of claimant

Ezra Upshaw and the sibling of Barbara Portee. He asked for the status of his brother's claim. Executive Director Olmstead reported that he had spoken with Ms. Portee and then verbally outlined the regulatory priority of order in which cases are taken up for investigation. Olmstead said that Mr. Gordon could call at any time with additional questions. Chairwoman Starks thanked Mr. Gordon for attending.

Audience member Kathleen Cummings spoke. She thanked the Commission for ensuring a sound system was now being consistently utilized and asked for clarification of Commissioner Baldwin's vote on the Demond Weston claim. Baldwin reiterated her No vote. Chairwoman Starks thanked Ms. Cummings for attending.

VII. Adjournment

A motion was made by Commissioner Mullenix and seconded by Commissioner Thorp to adjourn the meeting at 4:27 p.m.

The Commission voted unanimously to adjourn.

The next meeting is scheduled for Wednesday, November 15, 2017.

Respectfully Submitted,

Cindy Burke
Administrative Assistant