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**BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION**

In re:  
Claim of Paul Cieslowski

TIRC No. 2017.529-C  
(Relates to DuPage County Circuit  
Court Case No. 01-CF-1375 and 01-CR-455 (N.D. Ill))

**e-FILED**  
OCT 13, 2017 11:12 AM  
*Chen and Kachur*  
CLERK OF THE  
18TH JUDICIAL CIRCUIT  
DUPAGE COUNTY, ILLINOIS

**SUMMARY DISMISSAL**

Pursuant to section 40(a) of the Illinois Torture Inquiry and Relief Act ("TIRC Act," 775 ILCS 40/40(a)), the Commission hereby summarily dismisses this Claim for the reasons that follow.

1. On approximately July 20, 2017, Mr. Paul Cieslowski submitted a claim form to the Commission alleging that detectives with the Cook County Sheriff's Police Department forced him to sign a consent form to examine his laptop computer as part of an investigation. Cieslowski said he initially refused the request, but acquiesced when they threatened him with removal of his child from his home via the Illinois Department of Children and Family Services. He also alleges that, upon arrest, he immediately requested an attorney, but the detectives again threatened to ensure that his daughter was taken away from his wife, leading to him giving an incriminating statement.<sup>1</sup>
2. Cieslowski subsequently pleaded guilty in federal court on December 6, 2001, to engaging in sexually explicit conduct with a minor for the purpose of producing a visual depiction of the conduct.<sup>2</sup> He later pleaded guilty in March, 2007 in DuPage County Circuit Court to predatory sexual assault of a child.<sup>3</sup>
3. Prior to Cieslowski filing a claim, he corresponded with TIRC staff in February 6, 2017, describing the details of his claim.<sup>4</sup>
4. On February 28, 2017, TIRC staff wrote Mr. Cieslowski and noted its belief that, because he was not convicted in the Cook County Circuit Court, it had no jurisdiction over his claim. Staff supplied Mr. Cieslowski with the Commission's opinion *In re: Claim of Ernest*

<sup>1</sup> Paul Cieslowski Claim Form

<sup>2</sup> See Docket in *U.S. v. Cieslowski*, 01-CR-455 (N.D. Ill.) See also *U.S. v. Cieslowski*, 410 F.3d 353 (2005) (7<sup>th</sup> Cir.).

<sup>3</sup> See "Explicit photos with baby get man 38-year sentence," Chicago Tribune (March 23, 2007).

<sup>4</sup> See Letter from Paul Cieslowski dated January 31, 2017.

*Hubbard* that outlined the Commission's reasons for believing it has no jurisdiction in such cases. It noted Cieslowski could still file a claim if he wished and appeal any possible Commission dismissal should it occur.<sup>5</sup>

5. After further correspondence, Mr. Cieslowski submitted the above-referenced claim.
6. Mr. Cieslowski argues that because the detectives who allegedly coerced<sup>6</sup> him were Cook County Sheriff's Police, this Commission has jurisdiction in this matter. He also argues that because the Federal Court that convicted him sits within Cook County, the Commission has jurisdiction in this matter.<sup>7</sup>

### ANALYSIS

The TIRC Act empowers the Commission to investigate a "claims of torture". 775 ILCS 40/10. A "Claim of torture" is defined as:

a claim on behalf of a living person convicted of a felony in Illinois asserting that he was tortured into confessing to the crime for which the person was convicted and the tortured confession was used to obtain the conviction and for which there is some credible evidence related to allegations of torture occurring within a county of more than 3,000,000 inhabitants. (775 ILCS 40/1)

As more fully outlined in the Commission's decision in *In re: Claim of Ernest Hubbard*, the TIRC Act, "occurring within a county of more than 3,000,000 inhabitants" means that "the felony conviction at issue in the Claim of torture occurred in the courts of a county of more than 3,000,000 inhabitants."<sup>8</sup> In Illinois, only Cook County exceeds 3,000,000 inhabitants.

Such a definition eliminates the Commission's jurisdiction over not only the DuPage County conviction, but over the federal conviction as well, because that conviction did not occur in the courts of *a county*, but of the United States of America. There is also, of course, long-

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<sup>5</sup> See Letter from TIRC Executive Director Rob Olmstead to Paul T. Cieslowski (February 28, 2017).

<sup>6</sup> Mr. Cieslowski notes that the alleged conduct by Cook County Sheriff's Police Detectives William Plahm, Michael Anton and Robert Farley may not qualify as "torture" under the TIRC Act and its rules. The case is not decided on these grounds and the Commission makes no decision as to whether the described conduct is or is not torture under the TIRC Act.

<sup>7</sup> See June 19, 2017, Letter from Paul Cieslowski.

<sup>8</sup> See *In re: Claim of Ernest Hubbard*, 7 (Decided September 21, 2016). See also 20 Ill. Admin. Code 2000.10 (effective March 17, 2017), adopting this definition in the Commission's Administrative Rules.

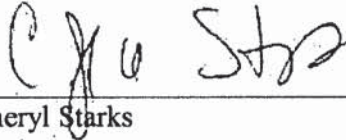
standing precedent prohibiting state interference with federal convictions and therefore precluding our jurisdiction in the federal conviction.<sup>9</sup>

CONCLUSION

The Commission finds that Mr. Cieslowski's claim does not meet the definition of "claim of torture" in Section 5(1) of the TIRC Act, and that the Commission is without jurisdiction to consider his claim.

The Commission summarily dismisses Mr. Cieslowski's claim and instructs its Executive Director to notify Mr. Cieslowski of the dismissal and of his right to judicial review under the Illinois Administrative Review Law.

Dated: October 5, 2017



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Cheryl Starks  
Chair  
Illinois Torture Inquiry and Relief Commission

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<sup>9</sup> See *Abelman v. Booth*, 62 U.S. 506 (1858) ("No State judge or court, after they are judicially informed that the party is imprisoned under the authority of the United States, has any right to interfere with him, or to require him to be brought before them.")