



**STATE OF ILLINOIS
TORTURE INQUIRY AND RELIEF COMMISSION SPECIAL MEETING
December 13, 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 Robert Loeb
Commissioner Steven Miller
Commissioner James Mullenix
Commissioner Marcie Thorp
Alternate Commissioner Craig Futterman
Alternate Commissioner Stephen Thurston

Staff on dais

Rob Olmstead (Executive Director)
Michelle Jenkins (Staff Attorney)

I. Call to Order/Members Present

On December 13, 2017, at approximately 3:00 p.m., Chairwoman Starks called the meeting of the Illinois Torture Inquiry and Relief Commission (TIRC or Commission) to order. With six regular commissioners and two alternate commissioners present, a quorum was established.

Chairwoman Starks thanked Commissioners for making time for a meeting during the holiday season.

II. Approval of Minutes

Chairwoman Starks called for a motion to approve the draft minutes of the November 15, 2017, regular meeting. A motion was made by Commissioner Futterman and seconded Commissioner Mullenix to approve the minutes as written. The minutes were unanimously approved on voice vote.

III. Executive Director's Report

Executive Director Olmstead reported that he and Staff Attorney Michelle Jenkins continued to interview claimants and witnesses along with pro bono counsel assisting the Commission. He noted that the Commission is in need of volunteers to represent claimants and encouraged Commissioners to pass along names of those who might be recruited to do so.

Olmstead informed the Commission that claims continued to be received and that there were now 457 open claims pending.

He informed the Commission that staff had recently obtained an order to remove from the court clerk's office an impounded video cassette confession of a claimant in order to have that cassette repaired and copied. It was the only existing copy of the confession known to exist. He thanked the Attorney General's Office for its assistance in obtaining that order. He noted that TIRC provided copies of the confession to the State's Attorney's Office and the Court Clerk.

He noted that, in consultation with the chair, he had submitted the Commission's annual report for publication and distribution to the legislature.

IV. Claims

1) Weston, Demond (2011.107-W)

Chair Starks noted that the Commission had previously considered this claim on October 5, 2017, but there had not been enough Commissioners present to reach either the statutorily required five affirmative votes to refer it to court, nor the regulatory required four votes to dismiss it at that time. Accordingly, it was tabled. Because the case and its evidence was previously presented and considered, the Chair noted that only an abbreviated presentation would occur.

Executive Director Rob Olmstead additionally noted that the one Commissioner absent from the October meeting had been supplied with audio recordings of that meeting to familiarize himself with the discussion at that meeting. Olmstead also thanked Attorneys William Hannay and Brooke Smith Clason of Schiff Hardin law firm for their work presenting a recommendation on the claim.

Smith Clason recounted that some Commissioners were troubled by Weston's recent growth in his claims of torture compared to what he offered at his suppression hearing. She shared those concerns and noted she did not find Weston's post-2006 allegations to be credible. However, her recommendation to refer was based on Weston's pre-2006 allegations as well as the Commission's fairly low standard for referral to court for a hearing. She recounted the history of

abuse allegations of the detectives involved, the recent granting by the appellate courts of a third-stage postconviction hearing in the Tyler case based on the history of one of the same detectives involved in Weston's case, and the fact that Weston has already been granted a third-stage postconviction hearing in criminal court by Judge Angela Petrone.

Smith Clason then answered a number of questions from Commissioners about the recommendation.

Commissioner Futterman asked about Petrone's order for a third-stage postconviction hearing for Weston and how that would or would not be affected by a Commissioner referral. Director Olmstead noted that it was up to the courts how to handle a referral by the Commission in conjunction with its own order for a hearing. He noted that, in the past when that has occurred, the courts have combined the two hearings into one. Olmstead noted a Commission referral would, in some respects be duplicative of the relief already granted by the court.

Olmstead asked Weston's attorney to comment on where Weston was at in the process of the third-stage hearing ordered by Judge Petrone. The attorney, Rita Srivastava, confirmed that the third-stage postconviction hearing had not yet been held, but was in the discovery stage. She opined that a referral by the Commission would allow the TIRC's conclusions to be introduced into that proceeding. She also felt a referral by the Commission might speed along the hearing, which has been the subject of many delays.

Director Olmstead noted that crime victim family members had been notified of the Weston proceedings. He asked if any crime victims family members were present and wished to speak. No one responded. Chair Starks noted that the claimant's family member had spoken at the October meeting and would not be called on again to speak. She called for a vote on the claim.

Commissioners Loeb, Baldwin, Thorp, Miller, Mullenix, Thurston and Chair Starks all voted to refer the claim to court for further judicial review.

V. Public Comment

Chair Starks inquired whether there were any members of the public who wished to address the Commission. No one responded.

VI. Adjournment

A motion to adjourn was made by Commissioner Thorp and seconded by Commissioner Thurston. The motion was approved by unanimous voice vote.

The next meeting is scheduled for January 17, 2018.