



**STATE OF ILLINOIS
TORTURE INQUIRY AND RELIEF COMMISSION REGULAR MEETING
Wednesday, March 29, 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 Steven Miller
Commissioner Marcie Thorp
Alternate Commissioner Futterman
Alternate Commissioner Stephen Thurston

Staff on dais

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

I. Call to Order/Members Present

On March 29, 2017, at approximately 3:14 p.m., Chairwoman Cheryl Starks called to order the meeting of the Illinois Torture Inquiry and Relief Commission (TIRC or Commission). Present were Commissioners Thorp, Baldwin, Futterman, Starks, Miller and Thurston, constituting a quorum. Also present was Dr. Ewa Ewa, Chief Financial Officer.

II. Approval of Minutes

Chairwoman Starks called for a motion to approve the draft minutes of the January 18, 2017, regular meeting. Commissioner Thurston moved to approve the minutes, and Commissioner

Baldwin seconded the motion. The minutes for the January meeting were unanimously approved.

III. Executive Director's Report

Executive Director Robert Olmstead updated the Commissioners on four matters. First, Director Olmstead explained that members of the public with hearing deficiencies would now be accommodated. The Commission ordered five microphones and borrowed equipment from CMS. The microphones cost approximately \$300.

The second update was that recent legislation has quintupled the number of claims within the Commission's jurisdiction. The commission has about 390 open claims; only 74 of which fall under the Commission's prior jurisdiction. Director Olmstead recalled that state legislators were informed of the challenge that this exponential growth creates for the Commission.

Director Olmstead also reported that a certificate of no objection had been obtained for the amendment of the Commission's Administrative Code. Additionally, Director Olmstead reported said rules had been submitted for publication on March 17, 2017.

Finally, Roxana Malene left the Commission for another position. The replacement process had begun, including the completion of interviews.

IV. Chief Financial Officer's Report

For fiscal year 2017, Dr. Ewa Ewa reported the state continues to operate without a budget. According to Dr. Ewa, finances, in terms of paying personnel, are stabilized from July 1 to December of 2018, through the stop gap funds provided by the State. In response to a question from Commissioner Baldwin, Dr. Ewa confirmed that the Commission would be able to hire a private secretary.

V. Claims

1) Hudson, Reginald (2016.449-H)

Director Olmstead presented the recommendation on the claim. Director Olmstead explained that Mr. Hudson was not convicted of the crime for which he alleged torture. Because the TIRC Statute requires there be a conviction in order for the Commission to consider the claim, Director Olmstead recommended the case be summarily dismissed.

Commissioners unanimously voted to summarily dismiss the claim.

2) Johnson, Willie (2011.095-D)

Staff Attorney Jenkins presented the recommendation on the claim. Ms. Jenkins recounted the Commission's decision to formally investigate Mr. Johnson's claims. Ms. Jenkins recounted the facts of the murder case. On April 22, 1979 Johnson was arrested for the murder of Alfred Joyner. Johnson was arrested at his home at 3 a.m. on that day. Johnson alleged that he was heavily intoxicated at the time of his arrest. Johnson alleged that Det. Dioguardi handcuffed him to a wall in an interrogation room in Area two.

Johnson alleged that during the interrogation, Det. Dioguardi abruptly and aggressively jumped up from his seat and yelled at Johnson saying, “You’re going to give me a statement I’m tired of this shit.” Johnson alleged that Det. Dioguardi went on to tell Johnson that if he didn’t give a statement he’d “kick [Johnson’s] ass.” In reaching her recommendation, Ms. Jenkins noted that Johnson alleged he’d been beaten by police in the past and was afraid he’d be beaten again. As a result, Johnson agreed to give a statement. After agreeing to give the statement an Assistant States Attorney William Pillegi and Detective Dioguardi took a statement from Mr. Johnson which inculpated Mr. Johnson in the murder of Alfred Joyner.

Prior to his trial Mr. Johnson’s Attorney argued in a motion to suppress that Johnson’s statement ought be suppressed due to Johnson’s intoxication and coercion; there was no mention of the Dioguardi’s alleged threats in Johnson’s motion to suppress. The testimony from Johnson was consistent between trial and pre-trial proceedings. At both his trial and his motion to suppress hearing, Johnson noted that he believed Dioguardi would beat him since he’d been beaten by police in the past. Johnson reaffirmed his belief during his TIRC waiver session interview.

Ms. Jenkins recommended that the Commission dismiss the claim under the theory that the events experienced by Claimant Johnson were less than torture.

Ms. Teresa Johnson, the sister of Willie L. Johnson, addressed the Commission. Ms. Johnson urged the Commission to assist Claimant Johnson. Claimant Johnson’s attorney, Mr. Parts, also addressed the Commission, emphasizing Claimant Johnson’s specific experience while in police custody.

Alternate Commissioner Futterman edurging the Commission to vote to refer Claimant Johnson’s claim. Futterman noted that the totality of the circumstances would support referral of the case. Chair Starks noted her vote in favor of dismissing Claimant Johnson’s claim. Chairwoman Starks explained that the claim does not, in her opinion, rise to the level of torture. Aside from Chair Starks, the remaining Commissioners voted to find sufficient evidence of torture meriting referral of the claim to court for judicial review.

Director Olmstead informed Commissioners he would re-write the draft decision to reflect the Commission’s decision.

VI. Public Comment

Kathy Cummings expressed thanks that she was able to hear and thanks the Commission for referring Johnson’s case to court.

Anabell Perez, Jaimie Huaad’s mother, thanked the Commission for its work. Perez went on to express her belief that torture should be defined subjectively. Finally, Perez asked for a status update on her son’s case. Director Olmstead explained his inability to give details on pending investigations.

Irene Galomous addressed the Commission asking how she can help her Nephew, Marcus Stewart, who alleges he'd been tortured. Director Olmstead provided Irene with contact information to confirm her nephew had filed a claim.

Dale Lehman addressed the Commission and voiced his gratefulness for the use of audio equipment. Leeman also noted his advocacy for a definition of torture that includes mental torture and subjective considerations.

XI. Adjournment

The Commission voted unanimously to adjourn.