

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Willie Hampton

TIRC No. 2013.141-H
(Relates to 00-CR-16875)

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 or about May 14, 2013, Mr. Willie Hampton submitted a claim form to the Commission alleging Detective Ronnie Lewis of Area 1 and others of the Chicago Police Department hit him with a phone book, slapped him, chained him to a wall for 60 hours, denied him food and squeezed his testicles.¹ Mr. Hampton alleged that his co-defendant, Cory Durr, was tortured into making a statement that was used to convict Mr. Hampton of a home invasion, robbery and sexual assault of a woman.²
2. Because Mr. Hampton did not allege that his torture resulted in him making a statement that was used to convict him, TIRC staff wrote to him on August 26, 2016, for clarification about his claim.³
3. In a letter dated September 1, 2016, received September 6, 2016, Mr. Hampton informed TIRC staff that “[a]s a result of the torture, I did not make any statements to police.” He also stated that “the prosecutor or the police did not testify at my trial to any statements that I made.”⁴

¹ See Willie Hampton Claim Form.

² See IDOC Internet Inmate Status form.

³ See Letter from Rob Olmstead, TIRC Executive Director, to Willie Hampton, dated August 26, 2016.

TIRC staff did not seek clarification on his allegations until 2016 because, as a claimant who did not allege that former Chicago police Commander Jon Burge or any officers under his command had committed the alleged torture, TIRC’s jurisdiction over his claim was uncertain at that time. TIRC wrote Mr. Hampton in 2014 that it had accepted his claim, but would take no further action upon it until the appellate court or legislature resolved the questions of non-Burge jurisdiction. In 2016, *People v. Allen*, 2016 IL App (1st) 142125, affirmed that TIRC had no jurisdiction over claims not involving Jon Burge or officers under his command. Later in 2016, the legislature passed P.A. 99-688, removing the requirement that Jon Burge be involved in the alleged torture and bringing Mr. Hampton’s claim within the jurisdiction of the Commission as far as *who* allegedly committed the torture.

⁴ Letter from Willie Hampton to TIRC, dated September 1, 2016.

4. At the Commission's September 21, 2016, open-session meeting, Commissioners instructed the staff to obtain transcripts of Mr. Hampton's trial to verify that no confession or incriminating statements attributed to Mr. Hampton were used to convict him.⁵
5. Staff obtained the requested transcripts of Mr. Hampton's bench trial.⁶ The trial occurred over several inconsecutive days: June 24, 2002; July 16, 2002; August 9, 2002; August 20, 2002; and August 21, 2002. All transcripts are accounted for with the exception of August 20, 2002. On that date, one defense witness, Tina Winters, had been scheduled to testify, and appeared, but was not called after she abruptly left the courthouse. Prosecutors and Defense entered a stipulation as to what Ms. Winters would have testified.⁷
6. On June 24, 2002, Officer Enrique Pacheco testified that, during the booking process, Mr. Hampton's gave Officer Pacheco a home address that was different than the address at which Mr. Hampton was arrested.⁸ This statement by Hampton was benign, part of the booking process, and not used to discredit Mr. Hampton or convict him at trial.⁹
7. On August 9, 2002, State's Attorney George Canellis testified that he interviewed Mr. Hampton the night of the arrest, but he did not relate any of the substance of that interview.¹⁰ Canellis did testify to the content of in-custody statements made by Mr. Hampton's co-defendant, Mr. Durr.
8. No other testimony or stipulations addressed any statements made by Mr. Hampton in the custody of police.

ANALYSIS

The TIRC Act confers jurisdiction on the Commission to investigate Claims of torture. The Act defines "Claim of torture" 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

⁵ See September 21, 2016, TIRC Minutes.

⁶ See *People v. Hampton*, ROP.

⁷ Description of the events of August 20, 2002 taken from Judge Preston Bowie's description of those events, which he recounted in rendering his judgment the next day. See *People v. Hampton*, ROP of August 21, 2002, 1-7.

⁸ See *People v. Hampton*, ROP of June 24, 2002, Testimony of Officer Enrique Pacheco, 16.

⁹ The U.S. Supreme Court has ruled that routine booking questions, such as an arrestee's address, do not violate *Miranda* because they fall within a "routine booking exception" that allows police to secure "the biographical data necessary to complete booking or pretrial services." See *Pennsylvania v. Muniz*, 496 U.S. 582, 601 (1990).

¹⁰ See *People v. Hampton*, ROP of August 9, 2002, Testimony of George Canellis, 24.

some credible evidence related to allegations of torture...” 775 ILCS 40/5(1) (Emphasis added).¹¹

Although Mr. Hampton claims his co-defendant, Mr. Durr, was tortured into making a statement that was crucial to Mr. Hampton’s conviction, he does not allege that he himself made any statements to police, or that they were used to obtain his conviction. The transcript of Mr. Hampton’s trial corroborates Mr. Hampton’s contention that he did not make any incriminating statements to police, or at the very least corroborates that any such statements were not used to convict him.

While the Commission condemns the use of torture to obtain *any* evidence for use in a criminal prosecution, the legislature has not empowered it to investigate torture beyond the narrow parameters quoted above.


Because Mr. Hampton does not allege his torture resulted in any statements to authorities, or that any such statements were used to convict him, the Commission is without jurisdiction to consider his claim.

CONCLUSION

The Commission finds that Mr. Hampton’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. Hampton’s claim and instructs its Executive Director to notify him of the dismissal and of his right to judicial review under the Illinois Administrative Review Law.

Dated: May 17, 2017



Cheryl Starks
Chair
Illinois Torture Inquiry and Relief Commission

¹¹ This wording is identical in both the original Act and the revised version amended by P.A. 99-688, signed into law July 29, 2016.