

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Bernard Patton

TIRC No.: 2017.448-P
(Relates to 99-CR-13459)

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 September 6, 2016, the Commission received a letter from Mr. Bernard Patton. In his letter, Mr. Patton stated that, although he was not tortured, a witness against him at trial was tortured by police at Area 2.¹ In particular, Mr. Patton alleged that police beat and choked the witness, Mr. Michael Johnson, in order to coerce him into implicating Mr. Patton in the murder for which Mr. Patton was convicted.²
2. On September 26, 2016, Executive Director Rob Olmstead sent Mr. Patton a letter informing him that, under the TIRC Act, the Commission may only investigate claims in which the person convicted of the crime was personally tortured.³ The letter asked Mr. Patton to write back in the event his claim had been misunderstood.⁴
3. On December 1, 2016, the Commission received a notarized claim form from Mr. Johnson. In the form, Mr. Johnson stated that he was “punched, choked, and threatened into confessing that Bernard Patton was [the] shooter.”⁵ On January 3, 2017, Executive Director Rob Olmstead sent Mr. Johnson a letter asking for additional information.⁶ The letter asked Mr. Johnson to clarify whether the claim was being made on behalf of Johnson or Mr. Patton, whether Mr. Johnson was tortured into giving information against himself or against another person, and whether Mr. Patton was tortured into giving any statements.⁷ Mr. Johnson replied on February 2, 2017. He stated that his claim was on behalf of both himself and Mr. Patton, that he was tortured into giving a statement against Mr. Patton, and that he did not know whether Mr. Patton was tortured.⁸

¹ See Letter from Bernard Patton to Commission, dated September 6, 2016.

² *Id.*

³ See Letter from Rob Olmstead to Bernard Patton, dated September 26, 2016.

⁴ *Id.*

⁵ See Johnson Claim Form.

⁶ See Letter from Rob Olmstead to Michael Johnson, dated January 3, 2017.

⁷ *Id.*

⁸ See Letter from Michael Johnson to Commission, dated February 2, 2017.

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COMMUNICATIONS SECTION

4. On January 12, 2017, the Commission received a reply letter from Mr. Patton. In it, Mr. Patton stated again that it was Michael Johnson who was beaten by police.⁹ Mr. Patton attached Johnson's notarized TIRC claim form and requested a claim form for himself.¹⁰
5. On February 27, 2017, Executive Director Rob Olmstead sent Mr. Patton a letter with a claim form.¹¹
6. On March 13, 2017, the Commission received a letter from Mr. Patton. In it, he again explained that his "arrest and conviction [were] the result of physical torture and coercion by CPD on key state witness Michael Johnson."¹² Mr. Patton further stated: "I personally am not the torture victim[,] I am the convicted victim as a result of a tortured [witness]."¹³ Enclosed in the letter was a notarized TIRC complaint form completed by Mr. Patton and a copy of Mr. Johnson's notarized claim form.
7. On March 16, 2017, the Commission accepted Mr. Patton's claim form and assigned him a case number.
8. On June 23, 2017, Executive Director Rob Olmstead sent Mr. Patton a letter that summarized Mr. Patton's claims and informed Mr. Patton that his allegations likely do not qualify as a claim of torture under the TIRC Act. The letter stated that Mr. Olmstead would recommend that the Commission summarily dismiss Mr. Patton's claim. The letter asked Mr. Patton to inform Mr. Olmstead in writing if he had misunderstood Mr. Patton's claim, or if there was additional conduct that may qualify as torture.¹⁴ This letter was delivered to Danville Correctional Center on June 26, 2017.¹⁵
9. On June 30, 2017, Mr. Patton responded to the June 23 letter from Executive Director Rob Olmstead.¹⁶ Mr. Patton asked that his claim not be dismissed but provided no additional information to indicate that the Commission would have jurisdiction over his claim. Mr. Olmstead replied on July 5, 2017 and informed Mr. Patton that his recommendation would remain unchanged.¹⁷
10. Section 5(1) of the TIRC Act states that "'Claim of torture' means a claim on behalf of a living person convicted of a felony in Illinois asserting that *he* was tortured into

⁹ See Letter from Bernard Patton to Commission, dated January 12, 2017.

¹⁰ *Id.*

¹¹ See Letter from Rob Olmstead to Bernard Patton, dated February 27, 2017.

¹² See Letter from Bernard Patton to Commission, dated March 13, 2017.

¹³ *Id.*

¹⁴ See Letter from Rob Olmstead to Bernard Patton, dated June 23, 2017.

¹⁵ See USPS Return Receipt, dated June 26, 2017.

¹⁶ See Letter from Bernard Patton to Rob Olmstead, received June 30, 2017.

¹⁷ See Letter from Rob Olmstead to Bernard Patton, dated July 5, 2017.

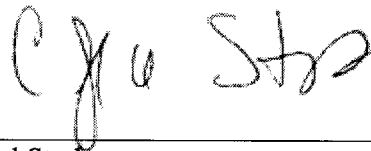
confessing to the crime for which the person was convicted and the tortured confession was used to obtain the conviction and for which there is some credible evidence related to allegations of torture occurring within a county of more than 3,000,000 inhabitants.”¹⁸ The statutory text requires that the person who claims torture must also be the victim of that torture.

11. Section 40(a) of the TIRC Act provides that the “Commission may informally screen and dismiss a case summarily at its discretion.”

The Commission finds that Mr. Patton’s claim does not meet the definition of “claim of torture” under the TIRC Act because Mr. Patton was not personally subjected to torture.

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

Dated: July 19, 2017



Cheryl Starks
Chair
Illinois Torture Inquiry and Relief Commission

¹⁸ 775 ILCS 40/5(1) (2016) (emphasis added).