



**STATE OF ILLINOIS
TORTURE INQUIRY AND RELIEF COMMISSION SPECIAL MEETING
May 16, 2018, 3:00 p.m.**

James R. Thompson Center
100 W. Randolph Street, Meeting Room 2-025
Chicago, Illinois 60601

MINUTES

PRESENT:

Commissioners Present

Chairwoman Cheryl Starks
Commissioner Robert Loeb
Commissioner Marilyn Baldwin
Commissioner Steven Miller
Commissioner James Mullenix
Alternate Commissioner Craig Futterman
Alternate Commissioner Stephen Thurston
Alternate Commissioner Timothy O'Neill

Staff on dais

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

Staff in Audience:

DeAndrea Brown (Administrative Assistant)

I. Call to Order/Members Present

On May 16, 2018, at 3:00 p.m., Chairwoman Starks called the meeting of the Illinois Torture Inquiry and Relief Commission (TIRC or Commission) to order. A quorum was established consisting of Commissioners Starks, Loeb, Baldwin, Miller, Mullenix, Alternate Commissioners Futterman, O'Neill, and Thurston.

II. Approval of Minutes

Chairwoman Starks called for a motion to approve the draft minutes of the March 28, 2018, regular meeting. A motion was made by Alternate Commissioner Thurston and seconded by Commissioner Mullenix to approve the minutes as written. The minutes were unanimously approved on voice vote.

III. Chief Financial Officer's Report

Due to the CFO's absence, no financial report was given.

III. Executive Director's Report

Executive Director, Rob Olmstead reported that with the success of obtaining requested claimants' files from the Public Defender's Office, two cases whose resolution had been delayed would be presented at the following Commissioners meeting.

Olmstead informed the Commission that he traveled to Springfield on April 17, 2018 to testify before the Senate Committee on Appropriations in support of TIRC's requested modest budget increase for the coming fiscal year. Olmstead remains hopeful for the approval.

Olmstead commended Staff Attorney, Michelle Jenkins on her diligence of informing Commissioners on compliance matters. He reminded Commissioners to respond to Jenkins if they hadn't done so already.

Olmstead noted that some Commissioners had experienced issues with the file transfer system used to transfer claim materials. In future preparations for meetings, he will send materials at an earlier date and requested that Commissioners download them immediately in case they need materials mailed to them on a disk.

Olmstead informed the Commissioners that he and Chair Starks met recently with representatives from the Governor's office to express the need to make appointments to vacant Primary Commissioner slots and vacant Alternate Commissioner slots. Olmstead believes that their expressions were positively received and hopes to get appointments soon.

Olmstead informed Commissioners that April 30, 2018, the Special Prosecutor dropped charges in the Anthony Jakes case, whose claim was referred to court on July 25, 2013 by the Commission.

Olmstead asked if there were any questions. Commissioner Mullenix asked for clarification on files received from the Public Defender's Office. Olmstead explained that staff was seeking a total of five files and four cases were located by the Public Defender's office. He noted that the recent files obtained were different than previous files obtained with the help of Commissioner Mullenix, a former Assistant Public Defender.

Chair Starks asked if there were any additional questions. There were none.

IV. Claims

1) Stewart, Charles (2014.244-S)

Executive Director Rob Olmstead re-introduced University of Chicago Law student, Allison Giest who was instrumental to the investigation and recommendation of the Charles Stewart case. Olmstead reminded Commissioners of previous work that Geist and another student presented in another TIRC case. Olmstead noted that victim notifications were sent out and Stewart's attorney was notified as well but none of those parties were present. Olmstead informed Commissioners that additional changes were made to the determination draft and any changes appeared in red or green highlights in the binders before Commissioners. Commissioners took a moment to review changes. Finally, Olmstead noted a revised copy of 'Exhibit 15' was sent out the day before and a response to a Subpoena in this case was received earlier that week, which was added to the administrative record.

Allison Giest presented an outline and history of the claim. Mr. Stewart alleged that during the 24 hours that he was in police custody at Area 1, he was repeatedly beaten by two officers. Based on the State's trial testimony of who interrogated Stewart and Stewart's interview with TIRC, she strongly believes that Mr. Stewart is implicating Detectives Kenneth Boudreau and John Halloran. During his TIRC interview, Stewart stated that the same two suited officers repeatedly hit him with a flashlight through a phonebook, slapped him in the face, twisted his testicles, hit him on the knees with a flashlight, and held him in a Full Nelson hold while beating him, while claiming they knew what happened but demanding he confess.

Giest noted that Stewart failed to document any allegations of torture before raising his claim with TIRC. Additionally, a motion to suppress was not filed. The defense argued at trial that Mr. Stewart did not provide the content for the confession statement and that the statement was forged. Torture was not raised in appeals or postconviction petitions. Geist also informed the Commission that there was no physical evidence of torture and Mr. Stewart made several inconsistent statements during the TIRC investigation that gave reason to doubt his credibility. With regard to the claim of Charles Stewart, given the overall lack credible evidence suggesting torture, Giest recommended that the Commission vote not to refer the case to the court.

Chairwoman Starks opened the floor for discussion. Commissioner Baldwin asked Giest about her mention of scratches or bruises on Stewart. Giest clarified that these allegations were raised not by Stewart but by Stewart's sister, and there was no evidence from medical records indicating that there were scratches or face swollen at time of interrogation. Olmstead noted that the Polaroid of Stewart taken at the police station could not be located, but transcripts did not indicate that any marks were seen on Stewart in the Polaroid.

Commissioner Loeb asked what attempts were made to locate the missing Polaroid. Olmstead informed Commissioners that such evidence is usually accessible through court clerk impounded evidence but in this instance they did not have that particular piece of evidence. Commissioner Loeb asked if there were any explanations as to why it was missing. Olmstead stated that it has occurred in other cases, such as Jackie Wilson. Alternate Commissioner Mullenix noted that there was never a mention of a bruise sheet which the intake staff at Cermak Hospital would have compiled if there was any evidence of abuse by the police. Commissioners continued in further discussion.

Commissioner Miller indicated he was inclined to disagree with the recommendation because Stewart's lawyer indicated to TIRC investigators he would not have filed a motion to suppress even if Stewart had told him of allegations of torture, and because that same lawyer was subsequently disbarred. It left open the possibility that Stewart had told his attorney about allegations of abuse. Olmstead pointed out that Stewart's postconviction petition also didn't allege abuse, and it was filed years after allegations against Det. Boudreau were publicized in the Chicago Tribune.

Commissioners asked to see Stewart's Post Conviction petition and suggested that it was highly relevant to the decision to refer or not. It could not be immediately located within the record. A motion was made by Commissioner Loeb to table the discussion until the petition could be located. It was seconded by Commissioner Mullenix, and passed by unanimous voice vote.

Shortly afterward, Olmstead was able to find the document and Commissioners continued the discussion on the claim.

Chairwoman Starks asked if there were any victim family members present. No one responded. Chairwoman Starks asked if there were counsel present who represent Stewart present. No one responded.

Chairwoman Starks called for a vote. Commissioners Loeb, Starks, Thurston, and Baldwin voted to dismiss. Commissioners Mullenix and Miller voted to refer. By 4/2 vote, Commissioners vote to dismiss the claim for lack of credible evidence of torture.

V. Public Comment

Chair Starks inquired whether there were any members of the public who wished to address the Commission. Attorney Standish Willis expressed his sincerest gratitude for the Torture Commission hard work. Commissioners asked if there other comments. An unidentified woman stated that she learned a lot from attending the meeting and she had a son incarcerated in which she had been searching for the best agency to get assistance with.

Commissioner Starks asked if there any more comments. There were none.

VI. Adjournment

The commission adjourned.
The next meeting is scheduled for July 18, 2018.