



**STATE OF ILLINOIS
TORTURE INQUIRY AND RELIEF COMMISSION SPECIAL MEETING
March 28, 2018, 3:00 p.m.**

James R. Thompson Center
100 W. Randolph Street, Meeting Room 9-040
Chicago, Illinois 60601

MINUTES

PRESENT:

Commissioners Present

Chairwoman Cheryl Starks
Commissioner Robert Loeb
Commissioner Marilyn Baldwin
Commissioner Steven Miller
Commissioner James Mullenix
Commissioner Marcie Thorp
Alternate Commissioner Craig Futterman
Alternate Commissioner Stephen Thurston

Staff on dais

Dr. Ewa Ewa (HRC CFO)
Rob Olmstead (Executive Director)
Michelle Jenkins (Staff Attorney)

Staff in Audience:

DeAndrea Brown (Administrative Assistant)

I. Call to Order/Members Present

On March 28, 2018, at 3:02 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 the following: Commissioners Starks, Loeb, Baldwin, Miller, Mullenix, Thorp, Alternate Commissioners Futterman and Thurston.

II. Approval of Minutes

Chairwoman Starks called for a motion to approve the draft minutes of the January 17, 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

Dr. Ewa reported that all the bills from FY2017 have been paid. He advised Commissioners to log into email systems to avoid accounts closing due to lack of activity. He stated that if anyone needed a new ID, they are to inform Executive Director, Rob Olmstead. Chair Starks asked if there were any questions. There were none.

III. Executive Director's Report

Executive Director, Rob Olmstead reported that after facing challenges of acquiring several claimants' files from the Public Defender's Office, in consultation with the chair he engaged the Commission's attorney, the Attorney General, to assist in obtaining several files and were able to locate requested files.

Olmstead reported to the Commissioners that a previous court order from Judge Nicholas Ford allowing the Commission free transcription in all TIRC cases, was not honored by the court reporter's office due to format and billing issues. With the assistance of the Attorney General's Office, the order was redrafted in a way that provides all possible case numbers for the court reporters office, and has additional provision for adding cases filed in the future, in order to satisfy their billing requirements. Olmstead thanked the Attorney General's office.

Olmstead informed the Commission that he traveled to Springfield on March 1, 2018 to testify before the House Committee on Appropriations to explain budget request for the fiscal year. If requested budget increase is approved, one additional lawyer and contract part-time paralegal may be hired to assist with TIRC caseload.

Olmstead brought to the commission's attention a significant appellate court ruling concerning James Gibson, a claim that was referred to the court by the Commission. Olmstead stated that the opinion was significant to the Commission because it fleshed out a vague portion of the TIRC statute dealing with what a post-TIRC referral hearing is supposed to look like and what evidence judges can consider during those hearings. Olmstead stated the opinion was a "roadmap" to defendants, state's attorneys and judges for how to proceed at post-TIRC hearings. More directly transferable to TIRC, the ruling validated TIRC's practice of drawing adverse inferences when there is strong evidence of abuse and officers invoke the Fifth Amendment rather than speaking with Commission. Olmstead asked if there were any questions. There were none.

IV. Claims

1) Johnson, Jerome (2011.091-J)

Executive Director Rob Olmstead introduced the pro-bono legal team from Holland and Knight, who investigated and analyzed this case. Lisa Kpor from Holland and Knight presented an outline and history of the claim. She viewed Johnson's allegations as largely consistent. The pro-bono legal team recommended that this case be referred to the court for additional review.

Chairwoman Starks opened the floor for discussion. Commissioner Baldwin asked counsel to clarify the allegation that only one can of pop was offered to Mr. Johnson while being interrogated. Commissioners raised question and discussed if there had been any other food offered while in holding and from whom. Olmstead clarified that Detectives testified they offered food and drink and Mr. Johnson refused. He noted no detective testified that Johnson was fed during his detention Commissioner's discussed the fact that Johnson had misidentified a picture of Detective Kill as Detective Halloran. Olmstead noted that all identification of Detectives were tentative by Mr. Johnson except the misidentification of Detective Kill from Mr. Johnson.

Chairwoman Starks asked if there were any victim family members present. No one responded. Chairwoman Starks asked if anyone were present on behalf of Mr. Johnson. Matt Darch, counsel appointed by the Commission to represent Mr. Johnson for this claim was present. He stated that he agreed with counsel from Holland and Knight to refer the case and he was willing to answer any questions. No one had any questions. Chairwoman Starks called for a vote to refer the case to the court for additional review. Commissioners unanimously voted to refer the claim for further judicial review.

2) Williams, Kevin (2018.555-W)

Commission Staff Attorney Michelle Jenkins provided history of Mr. Williams' case. Mr. Williams alleged that Chicago police detective at Area 4 deprived him of food and drink for three days. He also alleged that the accused detective falsified evidence against him and threatened witnesses in the case. An appellate court ruling on Williams' conviction does not mention any introduction into evidence of any pre-trial statements or confessions by Williams to police or prosecutors. Mr. Williams does not allege that any tortured confession by him was used to obtain his conviction, which is required by the TIRC Act. Jenkins recommended that the claim be dismissed for lack of jurisdiction.

A voice vote was taken to dismiss the Kevin A. Williams claim for lack of jurisdiction which was unanimous for dismissal.

3) Soto, Javier (2016.408-P)

Jenkins presented a recommendation to the Commission to summarily dismiss Mr. Soto's claim because no statement made by Mr. Soto was used to obtain his conviction as required by the TIRC Act. Chairwoman Starks called for a vote to summarily dismiss case for a lack of jurisdiction. Commissioners unanimously voted in favor of summarily dismissing the claim.

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 Mullenix and seconded by Commissioner Miller. The motion was approved by unanimous voice vote.

The next meeting is scheduled for May16, 2018.