

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Derek I. Sweet

TIRC No. 2019.650-S
(Relates to McDonough County
Circuit Court Case No. 01-CF-141)

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. Claimant, Derek Sweet, pled guilty in December 2002 to the September 7, 2001, murder of 2-year-old Faith Hamann.¹
2. On or about August 9, 2019, Mr. Sweet’s claim form was received by the Commission. In it, he claims McDonough County investigators slammed his head into a wall to induce his statement regarding Hamann’s death.²
3. On August 9, 2019, Commission staff sent Mr. Sweet a letter informing him that the Commission lacked jurisdiction over his claims based on the information he provided and because research showed he was convicted of a felony in the courts of McDonough County. Commission staff further requested that Mr. Jones write to them if they had misunderstood his claim.³ No response was received.
4. McDonough County has 32,612 inhabitants.⁴ Cook County is the only county in Illinois with more than 3,000,000 inhabitants.⁵

ANALYSIS

The Illinois Torture Inquiry and Relief Act empowers the Commission to investigate Claims of Torture, which the Act defines as:

¹ See, *People v. Sweet*, No. 3-16-0434 & 3-16-0346, 2017 IL App (3d) 140434, ¶¶4, 7 (Sept. 8, 2017, rehearing denied Oct. 2, 2017).

² TIRC Claim form of Derek Sweet; July 18, 2019 Letter from Derek Sweet.

³ August 9, 2019, Letter from Rob Olmstead to Derek I. Sweet.

⁴ U.S. CENSUS BUREAU, ILLINOIS POPULATION HOUSING UNITS, AREA, AND DENSITY: 2010 – STATE – COUNTY/COUNTY EQUIVALENT 2010 CENSUS SUMMARY FILE, 2 (AUG. 5, 2019).

⁵ *Id.* at 1.

* * * 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 some credible evidence related to *allegations of torture occurring within a county of more than 3,000,000 inhabitants*. 775 ILCS 40/5(1) (Emphasis added).

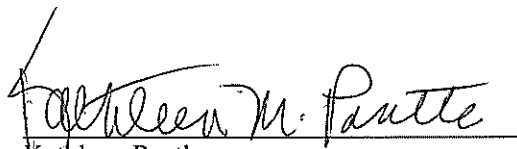
Section 40(a) of the TIRC Act provides that the “Commission may informally screen and dismiss a case summarily at its discretion.”

While the Commission does not condone police misconduct of any kind, the Commission has previously determined that it lacks jurisdiction to investigate allegations of torture where the defendant was convicted of a felony in a Circuit Court of a county having fewer than 3,000,000 inhabitants.⁶

Mr. Sweet’s alleged torture and felony conviction occurred in the Circuit Court of McDonough County.⁷ Because McDonough County has fewer than 3,000,000 inhabitants, the Commission lacks jurisdiction to investigate Mr. Sweet’s claim.

The Commission summarily dismisses Mr. Sweet’s claim and instructs the Executive Director to notify Mr. Sweet of the dismissal and his right to judicial review under the Illinois Administrative Review Law. This determination shall be considered the final decision of an administrative agency for purposes of administrative review under the Administrative Review Law (735 ILCS 4/3-101).⁸

Dated: October 16, 2019



Kathleen Pantle
Acting Chair
Illinois Torture Inquiry and Relief Commission

⁶ See *In re Claim of Ernest Hubbard*, TIRC No. 2014.242-H, available at <https://www2.illinois.gov/sites/tirc/Documents/Ernest%20Hubbard%20SUMMARY%20DISMISSAL%20ORDER-FINAL%2c%20SIGNED.pdf>.

⁷ TIRC Claim Form of Derek Sweet; *People v. Sweet*, No. 3-16-0434 & 3-16-0346, 2017 IL App (3d) 140434 (Sept. 8, 2017, rehearing denied Oct. 2, 2017).

⁸ Although this determination does not concern a “contested case” as defined in Section 1-30 of the Illinois Administrative Procedures Act (5 ILCS 100/1-30) because no opportunity for a hearing is required under the TIRC Act (See 775 ILCS 40/45(a)), the Commission notes that the rules of the Commission do not require any motion or request for reconsideration before appeal under the Administrative Review Law, and notes that the service address of interested parties is listed in the Notice of Filing certificate that accompanies the filing of this determination with the Court.