

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In Re:
Claim of Kilroy Watkins

TIRC Claim No. 2011.058-W
(Relates to Cook County Circuit
Court Case No. 92-CR-2834(01))

CASE DISPOSITION

Pursuant to 775 ILCS 40/45(c) and 2 Ill. Adm. Code 3500.385(b), the Commission ("TIRC") concludes that, by a preponderance of the evidence, there is sufficient credible evidence of torture of claimant, Kilroy Watkins, to merit judicial review. This decision is based upon the Findings of Fact and Conclusions set forth below, as well as the supporting record, including the documents attached heretofore.

EXECUTIVE SUMMARY

Kilroy Watkins ("Watkins") was arrested on January 15, 1992 in connection with two separate armed robberies of Vern Adams ("Adams")¹ and Pete Veronas ("Veronas")², as well as the murder of Leroy Porter ("Porter").³

On January 16, 1992, Watkins was interrogated by Chicago Police Department ("CPD") Detectives Kenneth Boudreau ("Boudreau") and John Halloran ("Halloran"), as well as by Assistant State's Attorney Ronald Weidhuner ("Weidhuner"). Watkins confessed to the Porter murder.⁴

After he confessed, Watkins received a medical examination. He told no one at the time that he was abused or injured. The police interrogation of Watkins did not result in any bruising or physical injuries.⁵

Watkins' pre-trial motion to suppress statement and quash arrest alleged, inter alia, that Watkins was physically and mentally abused by Boudreau and Halloran, and that his confession to the Porter murder was coerced.⁶ Watkins testified at the June, 1992 suppression hearing that ASA Weidhuner witnessed some of the abuse.⁷ Boudreau, Halloran and Weidhuner denied Watkins was abused.⁸ In June, 1992, Judge Themis Karnezis denied the motion to suppress.⁹

¹ People v Watkins, 92 CR 3083.

² People v Watkins, 92 CR 3082.

³ People v Watkins, 92 CR 2834.

⁴ People v Watkins, 92 CR 2834, Suppression Hearing Transcript 6/26/92, pp D3-D18; 6/26/92, pp D19-D36; 6/29/92, pp E3-E17; 6/26/92, pp A8-45 (TIRC-Compiled ROP pp. 3-18, 19-36, 43-57, 8-45); *see also* Watkins Confession, as read into record by Assistant State's Attorney Ron Weidhuner (EXHIBIT 1). The original statement was not in the Circuit Court Clerk's files produced to TIRC, nor could Watkins' files be located by the Public Defender's Office.

⁵ People v Watkins, 92 CR 2834, Suppression Hearing Transcript, 6/29/92, pp E44-E45 (TIRC-Compiled ROP 84-85). In the transcripts, the ASA mentions Watkins was taken to "Cook County Hospital." This likely was a misspoken reference to the medical examination performed upon entrance to Cook County Jail by Cermak Hospital staff, a typical part of any booking.

⁶ The written motion to suppress was not among documents produced by the Circuit Court Clerk's Office.

⁷ People v Watkins, 92 CR 2834, Suppression Hearing Transcript, 6/29/92, pp E27-E30, E42 (TIRC-Compiled ROP 67-70, 82).

⁸ People v Watkins, 92 CR 2834, Suppression Hearing Transcript, 6/29/92, pp E8-E45 (TIRC-Compiled ROP 48-85).

⁹ People v Watkins, 92 CR 2834; Suppression Hearing Transcript, 6/29/92, pp E49-E50 (TIRC-Compiled ROP 89-90).

Following a 1993 bench trial, Watkins was convicted by Judge Karnezis of first degree murder for the shooting death of Porter. The conviction was based upon Watkins' accountability for the actions of the shooter, Parrish Dawson ("Dawson").¹⁰

In two separate jury trials, Watkins was also found guilty of both armed robberies.¹¹ Watkins was sentenced in 1992 to 10 years in prison by Judge Karnezis for the Adams' armed robbery conviction,¹² 15 years in prison consecutive in 1993 by Judge Karnezis for the Veronas' armed robbery conviction,¹³ and 30 years in prison consecutive by Judge Karnezis for the Porter murder conviction,¹⁴ for a total of 55 years imprisonment.¹⁵ Watkins was paroled in January of 2019.

Watkins' confession was corroborated in significant part by Krista Campbell ("Campbell"), an eyewitness to the Porter murder. Campbell's written statement was made to a different assistant state's attorney, different detectives, and on a different date than was the confession of Watkins.¹⁶ Campbell's statement was further corroborated by physical evidence recovered at the Porter murder crime scene.¹⁷ Campbell, however, recanted her statement at trial.¹⁸

Watkins' TIRC Claim, filed August 15, 2011, alleged he was tortured by Boudreau and Halloran, and that the coerced confession resulted in his felony murder conviction and 30-year prison sentence for the Porter murder.¹⁹

There are significant reasons to doubt the claim of torture by Watkins:

- Watkins has been inconsistent in regards to some of the details surrounding his allegations of abuse. For instance, at his 1992 suppression hearing, he alleged ASA Weidhuner first met with him with a pre-written confession already in hand for Watkins to sign – something which would be highly unusual for an Assistant State's Attorney to do. Later, in his 2017 interview with TIRC, Watkins recounted that Weidhuner interviewed him *before* preparing Watkins' statement for signature, and in fact entered and exited his interrogation room several times to verify certain details for the statement. This latter statement by Watkins perfectly corresponds with Weidhuner's testimony at the time of the suppression hearing, boosting Weidhuner's credibility and damaging Watkins'.
- Watkins claims at his suppression hearing that Weidhuner witnessed a portion of his abuse by Boudreau. The Commission, which interviewed Weidhuner and found him credible, highly doubts any abuse occurred in front of Weidhuner.
- At his suppression hearing, Watkins said he was slapped by Boudreau with an open hand, and

¹⁰ People v Watkins, 92 CR 2834; Trial Transcript, pp. 1163-1165 (TIRC-Compiled ROP 253-255).

¹¹ People v Watkins, 92 CR 3082; 92 CR 3083.

¹² People v Watkins, 92 CR 3083.

¹³ People v Watkins, 92 CR 3082.

¹⁴ People v Watkins, 92 CR 2834, Post Trial Motions and Sentencing Transcript, 3/22/1993, p. P12 (TIRC-Compiled ROP 269).

¹⁵ People v Watkins, 92 CR 2834, 92 CR 3082, 92 CR 3083.

¹⁶ People v Watkins, 92 CR 2834, Campbell Signed Statement, EXHIBIT 2; *see also* CPD summary of Campbell's oral statement, EXHIBIT 3 Campbell, who at trial recanted her original statement, was confronted on the stand with several statements from it *See* Trial Transcript, 3/10/1993, pp 132-165 (TIRC-Compiled ROP 121-155).

¹⁷ People v Watkins, 92 CR 2834, Trial Transcript, 3/10/1993, pp 124, 175 (TIRC-Compiled ROP 113, 164).

¹⁸ People v Watkins, 92 CR 2834, Trial Transcript, 3/10/1993, pp 1-32-65, 1-38 (TIRC-Compiled ROP 121-155, 127).

¹⁹ TIRC Claim Form dated 8/15/11, (EXHIBIT 25).

that the abuse did not leave bruises.²⁰ In a 2002 civil lawsuit, he claimed Boudreau punched him in the face, leaving swelling and a bruise.

- Watkins received a third-stage postconviction hearing on the abuse claims before Judge Linn, who denied his motion for a new suppression hearing or trial.
- Watkins did not mention abuse in his medical exam after arrest, nor has there ever been any physical evidence of abuse.
- Watkins appears to have failed to allege abuse in appeals and postconviction filings for six years after his conviction, until 1999. In a 1997 civil suit, he also failed to allege abuse.

There is also, however, evidence in support of Watkins' claim:

- Police reports confirm that when questioned about one of the robberies for which he was arrested, Watkins invoked his right to silence with both interrogating detectives and an assistant state's attorney. These robbery detectives were from a different unit and area than the homicide detectives who secured his murder confession. Watkins' invocation of his right to silence occurred *immediately before* he was interrogated by Boudreau and Halloran for the homicide conviction at issue. The Commission acknowledges this is not dispositive of whether Watkins invoked his rights during the homicide questioning, or whether he was abused during it. Watkins, who was not the triggerman in the homicide, may have mistakenly felt safe discussing the murder, not realizing he was criminally liable under an accountability theory. However, this invocation of rights makes detectives' testimony that Watkins never invoked his rights during the homicide interrogation suspect. It suggests that his Miranda rights may not have been scrupulously honored by the homicide detectives, and makes the possibility of mistreatment more likely.
- With the exception of the 2002 lawsuit, Watkins' details of the abuse itself have been generally consistent over many years, claiming that Boudreau slapped him and grabbed his neck and that detectives assured him his statement would not be used against him, but only against the triggerman.
- The history of allegations of abuse against the detectives involved (pattern and practice evidence) is lengthy. Both have paid out of their own pockets to settle abuse/false confession allegations. Det. Boudreau once secured a murder confession from a man who was later shown to have been jailed at the time of that murder. Both detectives have secured other convictions later overturned by DNA evidence suggestive, but not conclusive of, innocence.

Although we have serious questions regarding Watkins' credibility in several respects, the independent confirmation of his invocation of rights shortly before being interrogated on the murder charge, as well as the significant pattern and practice history of the detectives involved, narrowly provides sufficient evidence of torture meriting judicial review.

²⁰ *People v. Watkins*, Watkins Testimony of June 29, 1992, E24, E44 (TIRC-Compiled ROP 64, 84)

FINDINGS OF FACT

The Crime and Investigation

Watkins was charged with murder following the August 27, 1991 shooting death of Leroy Porter. The prosecutions for murder, and two separate armed robberies of Adams and Veronas, followed a single arrest on January 15, 1992. Watkins' arrest was initially only in connection with the armed robberies, but the arresting officers determined that he was also wanted for questioning in the murder of Porter.²¹ Before being interrogated by Area 3 detectives regarding the homicide, he was interviewed by Area 1 detectives about the robberies, and invoked his right to silence with both a detective and an assistant state's attorney in regards to at least one of the robberies.²²

On January 16, 1992, ASA Weidhuner, with Detective Halloran, interviewed Watkins. Watkins provided a written confession admitting to his participation in the Porter murder. Watkins' confession admitted that he was a general in the Blackstones street gang, and on August 27, 1991, he was at 53rd & Ashland in Chicago, and saw Porter riding a bike wearing a hat cocked to the right. That indicated to Watkins that Porter was a member of the Gangster Disciples, a rival street gang of the Blackstones. Watkins directed other members of the Blackstones who were present to deal with Porter. The other Blackstones caught Porter and began beating him. Watkins saw Parrish Dawson ("Dawson"), his "security man," approach with a 9 millimeter handgun, which Watkins had previously given Dawson. Porter escaped the beating and attempted to flee. Watkins saw Dawson chase Porter and shoot at him five to six times.²³

Three weeks before, on December 27, 1991, ASA Mercedes Luque-Rosales ("Luque-Rosales") had met with CPD Detectives McCann and Bribieska, and then interviewed Krista Campbell, who provided a written statement. Campbell told Luque-Rosales that she was present at 53rd and Ashland on August 27, 1991, and witnessed the shooting of Leroy Porter. Campbell said that she was 15 years old and lived near 53rd and Ashland. She knew Watkins was a Blackstone, and also knew Parrish Dawson. On August 27, 1991, around 9 p.m., Campbell was with her friends, Nicole James, Michelle Hill, Sharon Taylor, Leslie Bell, and Ulysses Graham, at a gas station at 53rd and Ashland. Campbell saw Porter on a bike with his hat turned right. Campbell saw Dawson and Watkins run after Porter. She saw Dawson shoot at Porter several times with a handgun. Campbell saw sparks coming from the handgun, which Dawson held in his right hand. Dawson and Watkins ran away.²⁴ Campbell recanted her statement at the Watkins' trial.²⁵

Campbell's written statement was corroborated by physical evidence. The Porter bike was found at the murder crime scene, as were five 9 millimeter gun casings. This was also consistent with Watkins' statement to ASA Weidhuner that Watkins observed Dawson shoot Porter with a 9 millimeter weapon. Porter's blood was found in the middle of the street, where Campbell said Dawson and

²¹ People v Watkins, 92 CR 2834, Peoples Amended Motion To Dismiss Petitioner's Supplemental Petition For Post-Conviction Relief (EXHIBIT 29).

²² See January 16, 1992 CPD report RD# T-023469 regarding the Vern Adams robbery (noting Watkins and his codefendants in the robbery "[a]ll refused to discuss this matter. Later[,] with ASA Tofenitti they were again advised [of their rights] and refused to discuss the matter.") (EXHIBIT 48).

²³ Watkins Confession, as read into record by Assistant State's Attorney Ron Weidhuner (EXHIBIT 1), People v Watkins, 92 CR 2834, Suppression Hearing Transcript, 6/26/92, pp E3-E18; Trial Transcript, 3/10/1993, , pp I132-I135 (TIRC-Compiled ROP 43-58; 222-225).

²⁴ People v Watkins, 92 CR 2834, Campbell Statement (EXHIBIT 2); Trial Transcript 3/10/1993, , pp I32-165, 190-1109 (TIRC-Compiled ROP 121-155; 180-199).

²⁵ People v Watkins, 92 CR 2834; Trial Transcript 3/10/1993, , pp I32-165 (TIRC-Compiled ROP 121-155).

Watkins had chased Porter.²⁶

Confession/Torture/Suppression Hearing/Trial

ASA Ronald Weidhuner testified as follows before Judge Themis Karnezis at the suppression hearing and at trial.

On January 16, 1992, Weidhuner had been an assistant state's attorney for five years. Weidhuner was called to Area 3. He first spoke with Detectives Halloran and Boudreau. He had Watkins' handcuffs removed and interviewed Watkins at 2:25 p.m. for approximately 20 minutes. Halloran was present. Weidhuner gave Watkins Miranda warnings from a pre-printed form also used by Weidhuner to take Watkins' Statement. Watkins told Weidhuner he wanted to tell Weidhuner what happened and agreed to provide a written statement. Weidhuner completed a three-page statement based on what Watkins had just told him in the 20-minute oral interview. A portion of the statement was prepared by Weidhuner outside the presence of Watkins. After completing the written statement, Weidhuner and Halloran re-entered the interview room around 3:30 p.m. Weidhuner read out loud the statement to Watkins and then handed the statement to Watkins. Watkins read the entire three-page statement, and made changes in his own hand. Weidhuner also made written corrections to the statement. Watkins, Weidhuner and Halloran initialed the corrections and signed the statement on each page.²⁷

Watkins drank a coke and ate chips while giving the statement. Watkins told Weidhuner he was treated well by the police. Watkins never asked to use a telephone or call an attorney. Weidhuner knew of no promises made to Watkins in exchange for the statement. Weidhuner never saw Halloran or Boudreau choke, slap or strike Watkins, nor was Watkins ever threatened. Boudreau never entered the interview room while Weidhuner was present with Watkins. Watkins never refused to sign the statement.²⁸

ASA Weidhuner read the Watkins' confession, summarized as follows, into the trial record. Watkins was 21 years old. Watkins was provided his Miranda warnings. He was a general in the Blackstones street gang. He first saw Porter three weeks prior to August 27, 1991, when Watkins had seen Porter shoot at a Blackstone. On August 27, 1991, Watkins was at 53rd and Ashland in Chicago and saw Porter riding a bike with his hat tipped to the right. That indicated to Watkins that Porter was a Gangster Disciple, a rival gang of the Blackstones. Watkins then signaled to other Blackstone gang members present, pointed to Porter, and told them to deal with Porter. The other Blackstones caught Porter and began beating him. Dawson, who was Watkins' security man, was present, armed with a 9 millimeter black gun Watkins had given Dawson two weeks earlier when Watkins had made Dawson his security chief. Porter broke loose from the beating. Watkins saw Dawson chase Porter and shoot at Porter five to six times. Watkins walked up to Porter. When Porter stopped twitching, Watkins left to have a beer.²⁹

Weidhuner TIRC Interview. ASA Weidhuner was interviewed by TIRC Staff on June 14, 2018.

²⁶ People v Watkins, 92 CR 2834, Trial Transcript 3/10/1993, pp 124, 132-165, 175, 190-1109, 1132-1135 (TIRC-Compiled ROP 113, 121-155, 165, .180-199, 222-225).

²⁷ People v Watkins, 92 CR 2834, Suppression Hearing Transcript, 6/26/92, pp E3-E18; Trial Transcript 3/10/1993, pp 1114-1141 (TIRC-Compiled ROP 43-58; 204-231).

²⁸ People v Watkins, 92 CR 2834, Suppression Hearing Transcript, 6/26/92, pp E3-E18; Trial Transcript, pp 1114-1141 (TIRC-Compiled ROP 43-58; 204-231).

²⁹ Watkins Confession, as read into record by Assistant State's Attorney Ron Weidhuner (EXHIBIT 1); People v Watkins, 92 CR 2834, Trial Transcript, 3/10/1993, pp 1132-1135 (TIRC-Compiled ROP 222-225).

A copy of the interview report is attached as Exhibit 30.³⁰

Weidhuner had been a CCSA from 1986 until his retirement in 2014.

Weidhuner did not have any independent recollection of the Watkins Confession. He reviewed the trial transcript of his testimony to prepare for the TIRC Interview.

Watkins did not ask Weidhuner if Watkins could consult with an attorney during questioning.

Weidhuner believed that Weidhuner, Watkins, and Halloran were the individuals present when Watkins signed the handwritten statement.

Weidhuner did not have any recollection of reading the statement to Watkins. Weidhuner typically would have a suspect read the first paragraph of the statement out loud to him and then allow the suspect to read the remainder to themselves. Weidhuner did not have any recollection of Halloran or Boudreau telling Watkins that he did not have time to read the statement and to just sign the statement.

Neither Halloran nor Boudreau physically assaulted Watkins in Weidhuner's presence. Weidhuner did not observe Halloran, Boudreau or any other police officer put Watkins in a choke hold, grab Watkins by the neck, slap Watkins, or hit Watkins in the face or chest. If Watkins had reported any abuse by police against him to Weidhuner, Weidhuner would have immediately stopped taking the statement and would have reported the abuse to his supervisor.

Detective John Halloran testified that, on January 16, 1992, he had been a CPD Officer for seven years, and a detective assigned to Area 3 for two years. On that date, he brought Watkins to Area 3 and handcuffed him to a wall. Halloran advised Watkins of his Miranda warnings. Around 12:45 p.m., Halloran had a 20-30 minute conversation with Watkins in the presence of Detective Boudreau. Halloran then called ASA Weidhuner. Weidhuner interviewed Watkins, with Halloran present, at about 2:25 p.m.. Weidhuner prepared a written statement based on the interview. Watkins never denied knowledge or participation in the Porter murder. The statement was signed by Watkins, Halloran, and Weidhuner. Watkins read the statement before he signed it. Watkins never refused to sign the statement.³¹

Halloran testified that Boudreau never re-entered the interview room once Weidhuner arrived, and that Boudreau was never alone with Watkins, nor was Boudreau present when the statement was signed. No promises were made to Watkins in exchange for the statement. Watkins was in custody 27 to 28 hours. Watkins never asked for an attorney and was not denied the right to call an attorney or speak with his family. Watkins never denied knowledge or participation in the Porter murder. Watkins was not mistreated or threatened with violence. Neither he nor Boudreau slapped or choked Watkins, nor did they grab or squeeze his neck.³²

Detective Kenneth Boudreau testified that, on January 16, 1992, he had been a CPD officer for 6 years, and a Detective assigned to Area 3 for two years. With Halloran, Boudreau spoke with Watkins for approximately 30 minutes. Boudreau did not re-enter the interview room once ASA

³⁰ TIRC Weidhuner Interview Report, (EXHIBIT 30).

³¹ People v Watkins, 92 CR 2834, Suppression Hearing Transcript, , 6/26/92, pp D19-D36 (TIRC-Compiled ROP 19-36).

³² People v Watkins, 92 CR 2834, Suppression Hearing Transcript, , 6/26/92, pp D19-D36 (TIRC-Compiled ROP 19-36).

Weidhuner arrived. Neither he nor Halloran ever hit, slapped, or grabbed Watkins around the neck, or choked Watkins. Watkins was not threatened, nor was he denied the use of a phone. The only time Boudreau put his hands on Watkins was to remove the handcuffs. Boudreau was not involved in taking Watkins' written statement.³³

Kilroy Watkins. The suppression hearing was held in June, 1992. Judge Karnezis found the testimony of ASA Weidhuner and Detectives Halloran and Boudreau credible, and denied the motion.³⁴

Watkins argued at the hearing and at trial that his confession was coerced. Watkins testified at the suppression hearing that he was 21 years old on January 15, 1992. After his arrest, he was in custody 24 hours with little sleep. During the police interrogation he was handcuffed to a wall. Watkins was shown papers by the police wherein Dawson said Watkins was the shooter, and other papers where a female said she saw Watkins with Dawson the night of the shooting. Watkins testified that he was a friend of Dawson, was on 53rd talking to his friend Darren Brandt, heard shots, but denied shooting Porter or seeing the shooting. Watkins admitted the ASA read him Miranda warnings, including that everything he said could be used against him in court. Watkins asked to call his family or an attorney and was told he could do so after he was questioned. Halloran promised Watkins that what he said to the police would not be used against him in court, and that he would not be charged. Instead, Watkins would only be a witness against Dawson, whom the Detectives said was also being investigated for the Porter murder. Watkins said it was because of those promises that he agreed to give the statement.³⁵

Watkins further testified to two alleged instances of physical abuse by police. With Halloran present, Boudreau walked around a table between them, told him to "stop [his] bullshitting," and slapped the handcuffed Watkins "with force" on the left side of his head before grabbing Watkins by the neck "not in no choke hold, but just on the side and front," Watkins testified.³⁶ Watkins then began making a statement to Halloran, who then left the room after Watkins spoke with him, leaving Watkins alone with Boudreau for 10 minutes until Boudreau also left. Halloran and Boudreau returned to the room with the ASA.³⁷ This was the only time the ASA entered his room, and did so with a statement for Watkins to sign already in hand.³⁸ The statement was not read to Watkins. When Watkins attempted to do so and refused to sign the statement, Boudreau screamed at him, grabbed and painfully squeezed him by the back of the neck, and told him there was no time for him to read the statement. Watkins put the statement down and the ASA gave Watkins a pen and Watkins signed all three pages. He only agreed to tell the Detectives what they wanted and signed the statement because of the promises Halloran made to him, and because Boudreau smacked him in the head and painfully grabbed and squeezed his neck. Watkins said the ASA was in the room and witnessed Watkins' initial refusal to sign and also witnessed Boudreau grab Watkins by the neck. Watkins did not tell the ASA that he was promised by Halloran that the statement would not be used against him and that he would only be a witness against Dawson.³⁹

³³ People v Watkins, 92 CR 2834, Suppression Hearing Transcript, 6/29/92, , pp E3-E17 (TIRC-Compiled ROP 43-57).

³⁴ People v Watkins, 92 CR 2834, Suppression Hearing Transcript, , 6/29/92, pp E49-E50 (TIRC-Compiled ROP 89-90).

³⁵ People v Watkins, 92 CR 2834, Suppression Hearing Transcript, , 6/29/92, pp E18-E45 (TIRC-Compiled ROP 58-85).

³⁶ People v. Watkins, 92 CR 2384, Suppression Hearing Transcript, 6/29/92, pp E23-E26 (TIRC-Compiled ROP 63-66).

³⁷ People v. Watkins, 92 CR 2384, Suppression Hearing Transcript, 6/29/92, p. E27 (TIRC-Compiled ROP 67).

³⁸ People v. Watkins, 92 CR 2384, Suppression Hearing Transcript, 6/29/92, p. 40 (TIRC-Compiled ROP 80); *see also* motion arguments of Watkins' attorney, p. 46 (TIRC-Compiled ROP 86) (arguing "Detectives wisely left the felony review assistant out of the process. So his [Weidhuner's] only contact with Mr. Watkins was the actual presentation of the statement.").

³⁹ People v Watkins, 92 CR 2834, Suppression Hearing Transcript, 6/29/92, pp E18-E45 (TIRC-Compiled ROP 58-85).

After the interrogation and confession, Watkins said he was taken to Cook County Hospital⁴⁰, examined and photographed. He did not tell anyone at the hospital about the police abuse. Watkins testified the abuse did not result in any bruising or physical injuries to him, but was mental.⁴¹

Watkins did not testify at trial. He argued his confession was coerced, and should be suppressed. Judge Karnezis allowed the confession into evidence. The Court found the testimony of the police and the ASA that Watkins had not been abused more credible than the testimony of Watkins that he was abused.⁴²

During trial, Watkins requested a continuance to obtain the testimony of a witness he subpoenaed, Darren Brandt, who had failed to appear. Watkins' counsel's offer of proof represented that Brandt would testify that he and Watkins were one block away when Porter was shot, but did not see the shooting.

The offer of proof did not indicate that Brandt would testify that Watkins' confession was coerced or that Watkins was not present on 53rd and Ashland when Porter was murdered. The Court denied the continuance.⁴³

Watkins' testimony was significantly at odds with the testimony of ASA Weidhuner, whom Watkins testified witnessed some of the police abuse. Watkins agreed Weidhuner read him the Miranda warnings, and that Weidhuner told Watkins everything in his confession could be used against him in court. But Watkins also said, contrary to Weidhuner, that: Boudreau re-entered the interview room; Weidhuner did not read the confession to him; and that Weidhuner witnessed Boudreau grab and squeeze Watkins painfully by the neck -- all denied by Weidhuner. Watkins also agreed he signed each of the three pages of the confession, but denied reading it, also contrary to the testimony of Weidhuner. Halloran and Boudreau also denied mistreating Watkins.⁴⁴

Watkins TIRC Interview. Watkins was interviewed about his abuse claims by TIRC Staff on December 21, 2017. The interview was audio-recorded.

Watkins reiterated that he was slapped and choked by Boudreau, and that ASA Weidhuner later witnessed additional abuse by Boudreau and did nothing in response. Watkins also confirmed he did not report the abuse to the Chicago Police Department's Office of Professional Standards, or anyone else, and that he suffered no bruises to his neck or head.

Watkins once again said that he signed and initialed corrections to the confession, although he never read it. However, in contradiction of his suppression testimony, he reported that ASA Weidhuner did interview him and take his statement before writing it up and presenting it to him to sign, and that Weidhuner entered and exited his room and spoke with him several different times in the process of

⁴⁰ Although the Assistant State's Attorney examining Watkins said "Cook County Hospital," he almost certainly meant Cook County Jail, where all arrestees are medically examined by Cermak Hospital personnel and photographed upon arrival.

⁴¹ People v Watkins, 92 CR 2834, Suppression Hearing Transcript, 6/29/92, pp E18-E45, E44-E45 (TIRC-Compiled ROP 58-85, 84-85).

⁴² People v Watkins, 92 CR 2834, Trial Transcript 3/10/1993, pp 1163-1165 (TIRC-Compiled ROP 253-255); *see also* Suppression Hearing Transcript, 6/29/92 pp E49-E50 (TIRC-Compiled ROP 89-90).

⁴³ People v Watkins, 92 CR 2834, Trial Transcript, 3/10/1993, pp 1142-1143 (TIRC-Compiled ROP 232-233).

⁴⁴ People v Watkins, 92 CR 2834, Suppression Hearing Transcript, 6/26/92, pp D3-D18; 6/29/92, pp E8-E45; Trial Transcript, 3/10/1993, pp 1114-1141 (TIRC-Compiled ROP 3-18; 48-85; 204-231).

writing up the statement.⁴⁵

Watkins agreed he was present in the vicinity of 53rd and Ashland when Porter was murdered, heard the shooting, but did not see the shooting. He also acknowledged that among others present when Porter was shot was Parrish Dawson, whom he knew.

Watkins confirmed he was a member of the Blackstone gang, but denied he had the title of General. He denied that Dawson was his security person, but admitted he knew Dawson carried a black hand gun. He had seen Porter several times in the weeks before the murder, and knew Porter was a member of the Disciples, a rival street gang to the Blackstones. He also admitted he saw Porter on a bike with his hat cocked just before the murder.⁴⁶

ASA Mercedes Luque-Rosales Trial Testimony. On December 27, 1991, ASA Luque-Rosales first spoke with Detectives McCann and Bribieska. She then interviewed Krista Campbell. Campbell told Luque-Rosales that she was present at 53rd and Ashland on August 27, 1991, and witnessed the Porter shooting. Campbell agreed to provide a written statement.

Campbell said a couple of lines slowly and Luque-Rosales wrote them down. Luque-Rosales then read the lines out loud to Campbell, while at the same time Luque-Rosales pointed to each word with her pen. At the end of each paragraph, Luque-Rosales asked Campbell if that was her statement, and after Campbell agreed, Luque-Rosales continued until the statement was completed. When completed, Luque-Rosales asked Campbell if that was her statement, and Campbell responded affirmatively. Campbell, Luque-Rosales, and McCann signed each of the three pages of the statement.

When Luque-Rosales first arrived at the police station, she observed Campbell laughing with her two friends. Before Luque-Rosales took Campbell's statement, she allowed Campbell to finish eating pizza. Campbell never complained to Luque-Rosales about her treatment by the police. Campbell said she was treated well by the police and by Luque-Rosales, that her statement was the truth, and that she had not been made any promises or threatened to make the statement. Campbell never asked to call her mother. Campbell said she had read all three pages of the statement, and made and initialed changes.⁴⁷

Luque-Rosales read Campbell's statement into the trial record, in summary as follows. Campbell was 15 years old and lived near 53rd and Ashland. She knew Watkins and Dawson. On August 27, 1991, Campbell was present around 9 p.m. at 53rd and Ashland at a gas station. She was with her friends Nicole James, Michelle Hill, Sharon Taylor, Leslie Bell, and Ulysses Graham. She saw Porter on a bike with his hat turned right. Porter entered a store, and when Porter exited the store she saw Dawson and Watkins run after Porter. She saw Dawson shoot several times at Porter and saw sparks coming out of the handgun Dawson held in his right hand. Dawson and Watkins then ran away. Campbell was treated well by the police and by the ASA. The statement was the truth. She had read all three pages, made changes, and initialed the changes.⁴⁸

⁴⁵ Audio Recording of TIRC Interview, December 21, 2017, at 48:50 (noting that Weidhuner was "talking to me 3 or 4 times," that "[Weidhuner] was writing it out, his own notes," and that Weidhuner "came in and out a number of times just to try to go back over the statement," at 48:50, 44:04, 45:32, respectively (EXHIBIT 31).

⁴⁶ Audio Recording of TIRC Interview, December 21, 2017 (EXHIBIT 31).

⁴⁷ People v Watkins, 92 CR 2834, Trial Transcript, 3/10/1993, pp 90-109 (TIRC-Compiled ROP 180-199; *see also* Campbell Statement (EXHIBIT 2).

⁴⁸ People v Watkins, 92 CR 2834, Trial Transcript, 3/10/1993, pp 1103-1105 (TIRC-Compiled ROP 193-195; Campbell Statement (EXHIBIT 2).

Krista Campbell Trial Testimony. At trial, Campbell recanted her statement to ASA Luque-Rosales. She denied that she was at 53rd & Ashland on August 27, 1991, and denied that she saw Dawson and Watkins running after a boy on a bike, or seeing Dawson shoot at the boy.

Although Campbell repudiated her statement, at trial she testified she knew Dawson and Watkins, and knew that Watkins was in the Blackstone gang. She also admitted that she knew when a hat was turned to the right, it meant the person was in an opposite gang. She also admitted that she gave a statement to the ASA at Area 3 on December 27, 1991, that she signed the statement in several different places, and initialed corrections she had made to the statement. She said, however, she did not read the statement or know what she had signed, and only signed the statement because the police told her she could then go home. Campbell said she had been treated well by the police and had not been threatened to make the statement.⁴⁹

Campbell also testified at trial that on September 10, 1992, over eight months after her statement to ASA Luque-Rosales on December 27, 1991, she was visited by a Public Defender and another person. Campbell provided them with a second statement stating she was not present at the Porter murder, and that she had not read her police statement before signing it. Campbell's friends were also present during this interview. They were all interviewed together at the same time at a table. This interview was conducted by Dawson's attorney three days before the Dawson trial for the Porter murder was to begin. Campbell identified the second statement during her trial testimony. The Trial Court admitted into evidence both Campbell's original and recantation statements.⁵⁰

Trial Court Ruling. In March, 1993, Judge Karnezis found Watkins guilty of first degree murder, based upon his accountability for the actions of Parrish Dawson for the shooting death of Porter.⁵¹

Judge Kaznezis found Campbell's trial testimony not truthful. The Court concluded that Watkins decided to have Porter beaten, that Porter broke away, and that Dawson shot him. Based upon his accountability, Judge Karnezis found that Watkins was responsible for the actions of Dawson, and found Watkins guilty of first degree murder as the person who "set things in motion." Judge Kaznezis sentenced Watkins to 30 years IDOC, to run consecutive to his sentences for the two armed robbery convictions.⁵²

Appeals & Related Proceedings

Direct Appeals.

Watkins filed direct appeals of the Porter murder and both armed robbery convictions. In November, 1992, Watkins also filed the first PCP from the Adams armed robbery conviction. The Appellate Court consolidated the direct appeals of the murder and robbery convictions, and the appeal from the trial court's denial of the first PCP.⁵³

⁴⁹ People v Watkins, 92 CR 2834, Trial Transcript, 3/10/1993, pp 132-165 (TIRC-Compiled ROP 121-155).

⁵⁰ People v Watkins, 92 CR 2834, Trial Transcript, 3/10/1993, pp 153-157, 1143-1144 (TIRC-Compiled ROP 143-147).

⁵¹ People v Watkins, 92 CR 2834, Trial Transcript, 3/10/1993, pp 1163-1165 (TIRC-Compiled ROP 253-255).

⁵² People v Watkins, 92 CR 2834, Trial Transcript, 3/10/1993, pp 163-165; Post Trial Motion and Sentencing Transcript, 3/22/1993, p P12 (TIRC-Compiled ROP 253-255; 270).

⁵³ People v Watkins, 92 CR 2834, People's Amended Motion To Dismiss Supplemental Petition For Post Conviction Relief; People v Watkins, I-93-0326, I-93-0683, I-93-1281, I-93-2889 (Cons) (EXHIBIT 29).

Watkins' direct appeals and the First PCP failed to argue that his Confession was coerced and involuntary. Instead, Watkins' Direct Appeals argued that: there was no probable cause for his arrest; the lineup identification was flawed; he was refused a continuance at trial to allow a subpoenaed alibi witness who failed to show at trial, Darren Brandt, to testify at a later date; improper trial testimony; the State's closing argument; jury instructions; ineffective assistance of trial counsel; reasonable doubt; and the dismissal of his First PCP.⁵⁴

The defense offer of proof as to Brandt's expected testimony was unrelated to Watkins' claims of police abuse. The offer conceded that Brandt would testify that he and Watkins were present when Porter was shot, although they did not see the shooting, and that Watkins and Brandt had walked up to view Porter's body.⁵⁵

The Appellate Court affirmed Watkins' convictions and sentences. His petition for leave to appeal to the Illinois Supreme Court was denied on October 2, 1996.⁵⁶

Watkins PCPs

Watkins filed several PCPs between November 15, 1992, and August 27, 1999. Only the 1999 filings claimed his confession was involuntary

As indicated, his First PCP, filed November 15, 1992, related only to one of the armed robbery convictions.⁵⁷

Watkins' PCP filed December 23, 1996 and docketed February 19, 1997, contended his right to effective assistance of trial and appellate Counsel had been violated because trial counsel failed to impeach a state witness as to his identification and failed to argue that his arrest violated the 4th Amendment.⁵⁸

Watkins' PCP filed February 22, 1999, also argued ineffectiveness of appellate counsel. In section IX of his brief, he alleged his confession was involuntary, the product of physical abuse and promises of leniency. He argued that police reports concerning one of the two robbery cases (for which he was arrested the same time as the murder) showed that he had invoked his right to silence, and his counsel's failure to call the detective and ASA involved in the robbery investigation to demonstrate that he had, in fact, invoked his rights, constituted ineffective counsel.⁵⁹ The petition was denied March 17,

⁵⁴ People v Watkins, Nos 92 CR 2834, 92 CR 3082, 92 CR 3083, Appellate Court Rule 23 Order, Nos, 93-0326, 93-1281, 93-2889 (consolidated)(1st Dist. December 22, 1995) (EXHIBIT 4).

⁵⁵ Id.

⁵⁶ Id; People v Watkins Rule 23 Order, Nos. 93-0326, 93-0683, 93-1281, and 93-2889 (cons)(1st Dist. December 22, 1995) (EXHIBIT 4); see also People v. Watkins, 168 Ill.2d 621, 671 N.E.2d 742 (Table), 219 Ill. Dec. 575 (Oct. 2, 1996).

⁵⁷ People v Watkins, Nos 92 CR 2834, 92 CR 3082, 92 CR 3083, Appellate Court Rule 23 Order, Nos, 93-0326, 93-0683, 93-1281, 93-2889 (consolidated)(1st Dist. December 22, 1995) (EXHIBIT 4).

⁵⁸ Petition for Post Conviction Relief (consolidated) (EXHIBIT 9); see also People v Watkins, Rule 23 Order, Nos. 97-1558 and 97-3188 (cons)(1st Dist. December 29, 1998) (EXHIBIT 11).

⁵⁹ Petition for Post-Conviction Relief, Feb. 22, 1999, p. 50-53 (EXHIBIT 47; pp 748-751 of Kilroy Watkins TIRC Exhibits) See also EXHIBIT 13 (January 29, 1999 Affidavit alleging statement was involuntary, pp.3-4, ¶¶9, 10) See also Watkins' appellate brief appealing dismissal of the Feb. 22, 1999 PCP: *People v. Watkins*, "Brief and Argument for Defendant-Appellant," (Apel. No. 99-1648) (Feb. 14, 2000), p. 9, stating "The defense position was that the statement was made involuntarily after petitioner had been in custody over twenty-four hours, physically abused and made promise's [sic] of leniency by Detectives while in a coercive setting." (EXHIBIT 14); see also People v Watkins, Rule 23 Order, No. 99-1648 (1st Dist, December 18, 2001) (EXHIBIT 15).

1999, and its denial affirmed by the appellate court on December 18, 2001.

Watkins' PCP filed August 27, 1999, included affidavits from three alleged occurrence witnesses, Thomas Anderson, Edward Robinson, and Darren Brandt, each of whom said Watkins was not involved in the Porter murder.⁶⁰ The petition was dismissed based on untimeliness. Watkins appealed. On March 24, 2003, the Appellate Court reversed, holding the trial court erred by dismissing it without finding that the petition was frivolous or without merit.⁶¹

PCP filed March 20, 2002 (styled 2-1401 Petition)

On March 20, 2002, Watkins filed another PCP alleging that he possessed newly discovered evidence, including false testimony by the police, and that the State fraudulently concealed evidence. Watkins alleged that his Confession resulted from his torture and abuse by Boudreau and Halloran. The newly discovered evidence referred specifically to a pattern and practice of police misconduct by Boudreau and Halloran to abuse suspects to obtain false confessions. Watkins said he first learned of the newly discovered evidence in August, 2001, when he received correspondence from an attorney regarding police misconduct at Area 3.⁶² The trial court summarily dismissed this petition on April 30, 2002. Although Watkins appealed the dismissal, he later withdrew that appeal when the previous PC petition (filed August 27, 1999) was remanded by the appellate courts to the trial court.⁶³ Watkins' August 27, 1999 PCP was supplemented twice over the next few years.⁶⁴

Supplemental PCP

In January, 2011, Judge Linn granted Watkins an evidentiary hearing on his Supplemental Petition for Post Conviction ("Supplemental PCP"), which alleged newly discovered evidence of systematic abuse by police, including Boudreau and Halloran. Watkins argued the new evidence corroborated that his confession was coerced. The Supplemental PCP included an affidavit from Watkins, as well as twenty additional affidavits and allegations of torture committed by Boudreau and Halloran. Watkins argued that had Judge Karnezis known of these allegations of torture against Boudreau and Halloran, the results of his motion to suppress would have been different. Watkins' Supplemental PCP asked that his suppression hearing be reopened due to the newly discovered evidence of an alleged pattern and practice by the CPD and Boudreau and Halloran of mistreating others as well as Watkins, or that he be granted a new trial.⁶⁵

At the 2011 evidentiary hearing, Watkins presented five witnesses who testified that they were tortured by Detectives Boudreau and Halloran until they confessed to crimes of murder they said they

⁶⁰ Watkins v. Korte (Warden), 14-C-1346, N.D. Ill., State brief in federal habeas case, recounting history of Watkins' PC filings pp. 6-7, ¶8 (12/15/2014) (EXHIBIT 32).

⁶¹ See People v Watkins, Petition to Vacate Judgment Under Section 2-1401 filed 3/20/2002 (EXHIBIT 21); People v Watkins, Rule 23 Order, No. 99-3481 (1st Dist. March 24, 2003) (EXHIBIT 17).

⁶² See People v Watkins, Petition to Vacate Judgment Under Section 2-1401 filed 3/20/2002 (EXHIBIT 21).

⁶³ See Watkins Affidavit withdrawing appeal 1-02-1872 (EXHIBIT 33); See also Watkins v. Korte (Warden), 14-C-1346, N.D. Ill., State brief in federal habeas case, recounting history of Watkins' PC filings pp. 6-7, ¶9 (12/15/2014) (EXHIBIT 32).

⁶⁴ See People v. Watkins, Petitioner's Verified Amended Petition for Post Conviction Relief Based on Additional Newly Discovered Evidence (4/29/2005) (EXHIBIT 18); see also People v. Watkins, Supplemental petition for Post-Conviction Relief (7/14/2005) (EXHIBIT 19).

⁶⁵ People v Watkins, 92 CR 2834, Transcript of Proceedings before Judge Linn, 1/11/2011; 1/13/2011, pp 1-42 (TIRC-Compiled ROP 570-725); see also People v. Watkins, Supplemental petition for Post-Conviction Relief (7/14/2005) (EXHIBIT 19).

did not commit. The five witnesses were Enrique Valdez, Clayborn Smith, Marcus Wiggins, Josephus Jackson, and Harold Hill. Watkins' affidavit was also received into evidence in which he attested to the torture and abuse committed by Boudreau and Halloran against him. Fifteen additional affidavits claiming torture by Boudreau and Halloran were also admitted into evidence.⁶⁶

In January, 2011, Judge Linn denied Watkins' Supplemental PCP and his request for a new trial or suppression hearing. Judge Linn agreed that Watkins was not previously aware of the newly discovered evidence about Boudreau and Halloran, including their prior assertion of the 5th Amendment, or the abuse allegations of Valdez, Smith, Wiggins, Jackson, or Hill, or the allegations contained in the fifteen affidavits Watkins submitted, and that none of this information was available to Watkins at his trial.⁶⁷

Judge Linn said that he allowed Watkins to present newspaper articles, testimony from other cases, and affidavits from unrelated incidents. He said he allowed Watkins to introduce evidence that the pattern and practice of police abuse was available to the prosecution at Watkins' trial and not disclosed to Watkins, and to argue that that evidence would have been material to his motion to suppress his confession and trial. Judge Linn also noted that Boudreau and Halloran could have been subpoenaed to testify before him, but neither the State nor Watkins did so. Judge Linn further noted that at issue before him was whether credible evidence existed of a pattern and practice of police misconduct that questioned the credibility of the police.⁶⁸ Linn also noted that of the five live witnesses supporting Watkins' allegations, "[e]very one of these people appeared to be absolutely guilty of what they were accused of."⁶⁹ Watkins filed several reconsideration motions, but has not appealed Judge Linn's ruling.⁷⁰

Watkins Lawsuit Against the City of Chicago, Halloran, and Boudreau.

In 2002, Watkins filed a civil lawsuit in federal court against the City, Halloran, and Boudreau, alleging that he was abused by Boudreau and Halloran. Watkins claimed that while he was restrained to a wall, Boudreau screamed at him, grabbed him by his neck, and choked and punched him in the face. Watkins said that he was held in custody over 30 hours without any sleep or food, that he was denied medical attention and an opportunity to speak with family or an attorney, and that the officers used physical and psychological coercion to obtain his confession. Contrary to his suppression hearing testimony, the lawsuit claimed he had been punched, rather than slapped, in his face, and that the punch had left his "jaw area swollen, and bruised" rather than unbruised.

Watkins' lawsuit also described a CPD pattern and practice of torture accomplished "by repeated acts of electric shock, baggin[g]s, 'Russian roulette,' and brutal beatings, by Burge, Byrne, and the above listed detectives, including Defendants Boudreau and Halloran, and has been documented in at least 65 cases..."⁷¹

⁶⁶ People v Watkins, 92 CR 2834, Transcript of Proceedings before Judge Linn, 1/11/2011; 1/13/2011, pp 1-42 (TIRC-Compiled ROP 570-725).

⁶⁷ People v Watkins, 92 CR 2834, Hearing Transcript Judge Linn, 1/13/2011, pp 19-27, 41-42 (TIRC-Compiled ROP 702-710; 724-725).

⁶⁸ People v Watkins, 92 Cr 2834, Hearing Transcript Judge Linn, 1/11/2011, 1/13/2011, pp 19-27, 41-42 (TIRC-Compiled ROP 702-710; 724-725).

⁶⁹ People v Watkins, 92 Cr 2834, Hearing Transcript Judge Linn, 1/13/2011, p 25 (TIRC-Compiled ROP 708).

⁷⁰ TIRC Memorandum 12/29/17 regarding Conversation with Watkins' Attorney, (EXHIBIT 34); *see also* People v Watkins Docket (EXHIBIT 7).

⁷¹ Watkins v Halloran, Boudreau, City of Chicago, USDC 02 3461, 2002 Order (EXHIBIT 24); *see also* Watkins v Halloran, Boudreau, City of Chicago, USDC 02 3461, Complaint (EXHIBIT 35) at ¶¶15, 33.

Judge Darrah dismissed Watkins' lawsuit as time-barred. Judge Darrah's dismissal order noted that Watkins' prior 1997 federal lawsuit, also against Boudreau and Halloran, was limited to false arrest allegations, and did not raise claims that his confession was the result of torture.⁷²

Attorney Bruce Landrum's 2005 Letter to Watkins

Watkins exchanged communications with his appellate attorney, Cook County Assistant Public Defender Bruce Landrum. Watkins had questioned why Landrum had not focused on police brutality issues in preparing a draft PCP. In his May 24, 2005 reply, Landrum told Watkins that he would focus in the petition on police brutality issues "even though I foresee inherent problems, such as: successiveness of petitions, minimal abuse and torture alleged (according to your testimony) and the presence of the prosecutor during some of the alleged abuse. Nevertheless, I will give it my best shot."⁷³

Watkins' Motion To Appoint Special Prosecutor

In 2014, Watkins filed a motion before Criminal Court Chief Judge Paul Biebel to appoint a special prosecutor. Watkins' argued that State's Attorney Anita Alvarez was conflicted because she was the lead prosecution attorney against Watkins during the Porter Murder trial.

Judge Biebel noted that Judge Linn had denied Watkins' post-conviction relief on allegations Watkins had made that he was physically abused and verbally threatened until he gave a false confession which was used against him at trial. Moreover, Judge Biebel found that Burge was not implicated in Watkins' allegations of torture, since Burge had been suspended two months before Watkins was interrogated by Halloran and Boudreau, and was not the Commander of Area 3 at the time of Watkins' interrogation. Judge Biebel concluded it was not possible to say that Burge was either directly involved in Watkins' allegations of torture or that Detectives Halloran or Boudreau were operating under the command of Burge at that time. For those reasons, and because the issue before Judge Biebel was whether SA Alvarez was conflicted and not whether Watkins' torture allegations were true, Judge Biebel denied Watkins' Motion for Special Prosecutor.⁷⁴

Watkins TIRC Claim

Watkins' TIRC Claim, filed with the Commission August 15, 2011, alleged Watkins was tortured by Boudreau and Halloran. He claimed his coerced confession resulted in his felony conviction on March 23, 1993 to first degree murder and sentence of 30 years imprisonment, consecutive to 25 years on two unrelated armed robbery cases. Watkins alleged that "While in custody at the late area three Police Headquarters and detained for over 36 hours Det. J. Halloran questions turned into threats, intimidation and coercion. Det. Halloran left and came back with Det. K. Boudreau who would struck me across the head/face and repeatedly choked me." Watkins claimed he then confessed to the murder as a result of the torture and that the confession was used against him to obtain a murder conviction.⁷⁵

⁷² Watkins v Halloran, Boudreau, City of Chicago, USDC 02 3461, 2002 Order (EXHIBIT 24).

⁷³ Bruce Landrum Letter, (EXHIBIT 36).

⁷⁴ People v Watkins, 92 CR 2834, Judge Biebel 4/24/2014 Order (EXHIBIT 26).

⁷⁵ TIRC Claim Form Dated 8/15/11 (EXHIBIT 25).

Pattern And Practice

The following evidence was unavailable or has emerged since trial, and was therefore not introduced by Watkins at the suppression hearing or trial.

The Goldston Report

The CPD Office of Professional Standards (“OPS”) after an internal investigation in 1990 concluded that there had been systematic abuse for over 10 years at Area 2 by CPD Detective Jon Burge and certain of his subordinates. The Goldston Report was released to the public in 1992. The Report detailed over 50 misconduct incidents in Area 2 occurring between 1973 and 1986 and found that certain Area 2 Officers were aware of and perpetuated systematic abuse and a pattern of misconduct.⁷⁶ In 1992 the City of Chicago and the CPD admitted to a “pattern or plan on the part of Burge...to torture certain suspects...into confessing to crimes or to condone such activity...”⁷⁷

Neither Boudreau nor Halloran worked in Area 2 under the command of Burge. Neither was named in the Goldston Report as officers alleged to have tortured others.⁷⁸

Special Prosecutor Report

In 2002, Judge Biebel appointed a Special State's Attorney to investigate allegations of torture by police officers under the command of Burge at Areas 2 and 3 between 1978 and 1991. The resulting Special Prosecutor Report (“SP Report”) concluded that the statute of limitations barred any criminal prosecutions. It found, however, that “there are many cases which lead us to believe that the claimants were abused.” The SP Report noted that, since Burge abused suspects at Areas 2 and 3 while he was Commander, “common sense compels the conclusion that those who worked for him would not be concerned about their own mistreatment of prisoners, if their commander mistreated them.”⁷⁹ The Special State's Attorney concluded the abuse was an “ongoing” practice, and had occurred in approximately half of the 148 cases investigated.⁸⁰ The SP Report referred to Boudreau and Halloran as officers questioned, but neither as abusers.⁸¹

Burge began with the CPD in 1970. In 1981 he was promoted to Area 2 Commander. He was transferred in 1986 to Commander of Area 3. He remained Commander of Area 3 until he was suspended in November, 1991, as a result of torture allegations arising from the 1982 Andrew Wilson case. In February, 1993, Burge was fired after the Police Board found him guilty of abusing Andrew Wilson at Area 2.⁸²

A federal grand jury indicted Burge in 2008 for perjury and obstruction of justice in connection with his denial in federal court that torture had occurred. Burge was convicted in 2010 and sentenced

⁷⁶ CPD OPS Goldstone Report.

⁷⁷ City of Chicago’s memorandum in Opposition to the Motion to Bar Testimony Concerning Other Alleged Victims of Police Misconduct filed on January 22, 1992 before the Police Board *In the Matter of Charges Filed Against Respondents Jon Burge, John Yucaitis and Patrick O’Hara* (Case # 1856-58).

⁷⁸ CPD OPS Goldstone Report.

⁷⁹ Report of the Special State's Attorney at 12, 16; In Re Appointment of Special Prosecutor No. 2001 Misc 4, Memorandum Opinion and Order entered April 24, 2002.

⁸⁰ Remarks by Special State's Attorney on July 19, 2006, as reported in the Chicago Tribune on July 20, 2006.

⁸¹ SP Report; *People v. Watkins*, “The People’s Response to Petitioner’s Supplemental Motion to Reconsider,” outlining history of Biebel decisions re motion for Special Prosecutor (EXHIBIT 38).

⁸² *People v. Watkins*, 92 CR 2834, Judge Biebel Order, 4/24/14 (EXHIBIT 26).

to 4 ½ years in prison.⁸³

Watkins was arrested and interrogated by Boudreau and Halloran in January, 1992, two months after Burge was suspended from the CPD. Both Detectives worked in Area 3 for several months while Burge was Commander and just before Burge was suspended. Burge was not the Area 3 Commander nor did Burge supervise Boudreau or Halloran at the time of Watkins' police interrogation, however, and Burge was not implicated in Watkins' allegations of abuse. Watkins' case was therefore not reviewed by the Special Prosecutor.⁸⁴

Boudreau and Halloran

There exists, for both Boudreau and Halloran, a substantial body of allegations of engaging in systematic conduct aimed at obtaining confessions by torture. This evidence includes references to such alleged conduct in published Illinois judicial opinions, media reports of overturned convictions, and City settlements with accusers.⁸⁵

TIRC records indicate Boudreau has been accused of misconduct, abuse or coercion by approximately 38 people, and Halloran by approximately 37 people.⁸⁶ Completed TIRC Case Dispositions have determined that there was sufficient evidence linking Boudreau and Halloran to allegations of torture of certain TIRC claimants to advance those cases to Post-TIRC Court hearings.⁸⁷

Boudreau accumulated 18 complaints to police accountability agencies during 28 years at the CPD. Of those, 11 alleged torture of suspects or witnesses. No complaint of physical coercion, however, had been sustained. The three sustained complaints in Boudreau's file pertained to improper questioning of juveniles without a youth officer present, insubordination, and indebtedness to the City.⁸⁸ Halloran accumulated 16 complaints to police accountability agencies between 1990 and 2014. Of those, Eight alleged abuse or torture of suspects or witnesses. None were sustained.⁸⁹

Boudreau and Halloran personally paid monetary settlements in civil lawsuits in which they were defendants charged with abusing suspects. The Chicago Tribune reported the City of Chicago paid a \$1.25 million settlement in the Hill Lawsuit, with Boudreau and Halloran each paying \$7,500. The Tribune also reported Williams and Young received a \$1.25 million settlement, with Boudreau and Halloran each paying \$2,500.⁹⁰

Both Boudreau and Halloran have denied they mistreated Watkins.⁹¹ While complaints of physical abuse and coercion against accused officers are allegations and not judicial findings, they are

⁸³ www.chicagoreader.com/chicago/police-torture-in-chicago-jon-burge-scandal-articles-by-john-conroy/Content?oid=1210030

⁸⁴ *People v Watkins*, 92 CR 2834, Judge Biebel Order, 4/24/14 (EXHIBIT 26).

⁸⁵ TIRC Summary of Complaints Against Det. Kenneth Boudreau (EXHIBIT 27); Summary of Complaints Against Det. John Halloran (EXHIBIT 28).

⁸⁶ *Id.*

⁸⁷ *Id.*; Sarah Macaraeg and Yana Kunichoff, "‘Nothing happens to the police’: forced confessions go unpunished in Chicago," *The Guardian* 1/28/2016 (mentioning allegations against Halloran).

⁸⁸ TIRC Summary of Complaints Against Det. Kenneth Boudreau (EXHIBIT 27).

⁸⁹ Summary of Complaints Against Det. John Halloran (EXHIBIT 28).

⁹⁰ TIRC Summary of Complaints Against Det. Kenneth Boudreau (EXHIBIT 27).

⁹¹ *People v Watkins*, 92 CR 2834, Suppress Hearing Transcript, 6/26/92, pp 3-17 (Boudreau Testimony) (TIRC-Compiled ROP 43-57); 6/26/92, pp 19-36 (Halloran Testimony) (TIRC-Compiled ROP 59-76).

nevertheless relevant in deciding whether abuse occurred in a specific case.⁹² “Even one incident of similar misconduct by the same detectives can be sufficient to show intent, plan, motive, and could impeach the officers’ credibility...pervasive pattern of criminal conduct by police officers is enough for courts to reconsider the voluntariness of a defendant’s confession.”⁹³

In the following two cases, in particular, Boudreau and Halloran were found to have obtained confessions from parties ultimately exonerated.

Hill v City et al. Harold Hill was questioned by Boudreau and other officers, including Halloran, about the 1990 murder of Kathy Morgan. Hill alleged that Boudreau and others physically coerced him into making a statement that incriminated him in Morgan’s murder, and also implicated Dan Young and Peter Williams. Young and Williams were also interrogated by Boudreau and others and each gave confessions admitting to participating in Morgan’s murder, and implicating one another in the crime.

Shortly after Hill, Young and Williams gave their confessions, records revealed that Williams was in Cook County Jail when Morgan was killed. The State did not pursue charges against Williams, but proceeded to trial against Hill and Young, who were convicted and sentenced to life imprisonment. In 2004, DNA testing showed genetic material under Morgan’s fingernails that matched neither the victim’s nor Hills’ or Youngs’ DNA. In January, 2005, the State dismissed the charges against Hill and Young, and did not oppose their motions for certificates of exoneration.⁹⁴ Hill was one of the witnesses who testified at Watkins’ third-stage postconviction hearing that Judge Linn deemed guilty of the charge to which he had confessed.

Derrick Flewellen. The second case involved the June, 1995, deaths of Sherry Hunt and Lovie Ford. Flewellen charged that Boudreau and other officers physically coerced him into confessing that he murdered Hunt and witnessed another man rape and murder Ford. Flewellen alleged that Boudreau hit and choked him, that other officers stepped on his injured foot, and the detectives threatened to arrest his girlfriend and take her child away. Halloran was also involved. Physical evidence did not support the confession Flewellan gave police and he was acquitted. DNA subsequently linked Ford’s death to a serial killer. The Chicago Tribune reported Flewellen received a settlement in the amount of \$250,000.⁹⁵

Boudreau and Halloran Have Asserted the 5th Amendment

Both Boudreau and Halloran have asserted the 5th Amendment privilege against self-incrimination when questioned about abusing detainees.⁹⁶ While invocation of the 5th Amendment is not an admission of guilt, in a civil proceeding a negative inference can be drawn from the fact.⁹⁷

⁹² People v Jakes, 2013 Ill App 1st 113057, App Ct Ill, 1st Dist, 12/11/2013; People v Patterson, 192 Ill. 2D 93, 114-15, 735 N.E. 2D 616 (Ill. Sup. Ct. 2000); People v Cannon, 293 Ill. App. 3d 634, 640, 688 N.E. 2D 693 (1st Dist. 1997); People v Brown, 90 CR 23997 (Transcript of Proceedings dated May 22, 20099 at 8, Ruling by Judge Crane (evidence against Burge subordinates of abuse in other cases other than Brown’s was “staggering” and “damning”).

⁹³ People v Tyler, 2015 IL App (1st) 123470, ¶¶186, 189.

⁹⁴ Hill v City, 06 C 6772, USDC, Opinion & Order, 2011 WL 3840336.

⁹⁵ See *Flewellen v. City of Chicago, et al.*, USDC 00-C-2709. See Possley and Washburn, “City to settle with man forced to confess,” *Chicago Tribune*, June 14, 2002.

⁹⁶ Special Prosecutor Memos to File and Grand Jury Testimony of Halloran and Burge (EXHIBIT 37).

⁹⁷ 2 Ill. Adm. Code 3500.375(g).

Boudreau on one occasion refused to testify about his treatment of suspects. Boudreau asserted the 5th Amendment before the Cook County Grand Jury on January 12, 2005, in response to the Special Prosecutor's investigation of Burge.⁹⁸ At that time, all subpoenaed officers asserted their 5th Amendment right against self-incrimination. Subsequently, however, during the Hill lawsuit, Boudreau did testify in his deposition as to Burge and his work at Area 3, and denied mistreating Watkins or other suspects.⁹⁹ Boudreau had also testified at other civil depositions without assertion of the 5th Amendment.¹⁰⁰ Boudreau has always denied allegations of torture.¹⁰¹

Halloran, too, asserted the 5th Amendment when he appeared before the Cook County Grand Jury in response to questions regarding the Special Prosecutor investigation.¹⁰² Halloran also asserted the 5th Amendment in November, 2008, at his deposition in the Hill Lawsuit as to his conduct and his knowledge of the conduct of other officers towards dozens of individuals. In particular, Halloran asserted the 5th Amendment when asked whether he or Boudreau choked, punched, screamed at, refused food to, threatened, or used physical force to obtain a false confession from Kilroy Watkins in 1992, or whether he withheld exculpatory information from police reports in cases he investigated at Area 3.¹⁰³

Subsequently, in March, 2010, Halloran provided another deposition in the Hill Lawsuit, and did not assert the 5th Amendment in response to questions about the same persons he had previously asserted the 5th Amendment in November, 2008. Halloran denied during his 2010 deposition that Boudreau had abused Watkins. Further, Halloran testified that he never threatened witnesses or saw anyone else do so, nor was he aware of any misconduct by Burge, and that he had never questioned a suspect with Burge.¹⁰⁴

COMMISSION FRAMEWORK-STANDARD OF PROOF

Section 35(2) of the Illinois Torture Inquiry and Relief Act charges the Commission with conducting inquiries into claims of torture.¹⁰⁵

“ 'Claim of torture' means 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.”¹⁰⁶

The Commission has interpreted Section 45(c), to require that there is sufficient evidence of torture to merit judicial review.¹⁰⁷ The approach the Commission has taken is akin to the concept of

⁹⁸ Special Prosecutor Boyle memo dated 1/31/2005, Ex , including Grand Jury Testimony.

⁹⁹ Cook County Circuit Court Case Nos 12 L 012995, 12 C 9158, 12 C 9170, 12 C 9184, Boudreau Deposition 7/23/2014; Hill v City, 06 C 6772, Boudreau Deposition at pp 76-78.

¹⁰⁰ People v Anderson, Jakes, 91 CR 22152, 91 CR 22460, 92 CR 05073.

¹⁰¹ TIRC Summary of Complaints Against Det. Kenneth Boudreau (EXHIBIT 27); *see also* Larry Yellen, “Former CPD detective lashes out against allegations of abuse,” FOX32, May 14, 2018, available at <http://www.fox32chicago.com/news/local/former-cpd-detective-lashes-out-against-allegations-of-abuse>

¹⁰² Special Prosecutor Memos to File and Grand Jury Testimony of Halloran and Burge (EXHIBIT 37).

¹⁰³ Hill v City, 06 C 6772, Halloran Deposition 11/26/2008, at 112-16, 120, 122.

¹⁰⁴ Hill v City, 06 C 6772, Halloran Deposition 3/8/2010.

¹⁰⁵ 775 ILCS 34(2).

¹⁰⁶ 775 ILCS 40/5.

¹⁰⁷ 2 Ill. Adm. Code 3500.385(b)(1).

“probable cause;” that there be enough evidence that the claim should go to a court hearing.¹⁰⁸

ANALYSIS

Major Factors Supporting Watkins' Claim of Torture

1. Watkins Successful Invocation of His Right to Silence Hours Before Murder Interrogation

While not dispositive, we find it significant that police themselves confirm Watkins successfully invoked his right to silence, twice, in the Vern Adams robbery investigation just hours before he was handed over to Area 3 homicide detectives.

We acknowledge that Watkins, who was not the triggerman in the murder, may have mistakenly felt secure in discussing the murder, not realizing his criminal liability under the law of accountability. But we also look to police’s description of Watkins, a gang general. We think such a figure unlikely to cooperate with a police investigation into a murder he allegedly caused, regardless of whether he pulled the trigger. His clear knowledge and invocation of his rights in the robbery investigation suggest he would have done the same in the murder investigation. It suggests his Miranda rights may not have been scrupulously observed, and that he may have been mistreated in order to secure a confession.

2. Motion to Suppress and Trial

Watkins testified at his suppression hearing and argued at trial that his confession was coerced and resulted from physical and mental abuse by Boudreau and Halloran. Watkins further testified that the confession was not read to him, that he initially refused to sign it, and that he denied seeing the Porter shooting. He said he only signed the confession after Boudreau slapped him and grabbed him forcibly and painfully by the neck, and because Halloran promised Watkins that he would not be charged and that his confession would not be used against him, but instead against Dawson.

Watkins' allegations that Boudreau screamed at him, struck him in his head, and grabbed and painfully squeezed and choked him by the neck, are similar to, although perhaps not as severe as, abuse allegations made by others against Boudreau (electrocution, fingers pulled back, kicked, slammed against a wall, hit in head and stomach with a flashlight, suffocated, punched in ribs, hit in head with a pipe).

3. Systematic Abuse

The Goldston Report concluded in 1992 that there was systematic abuse and a pattern of misconduct for over ten years by Burge and certain of his subordinates at Areas 2 and 3. In response, in 1992, the City and the CPD admitted to a “pattern or plan on the part of Burge...to torture certain suspects...into confessing to crimes or to condone such activity...”

The Special Prosecutor concluded in 2005 that “abuse was an 'ongoing practice', and had occurred in approximately half of the 148 cases investigated.” The SP Report referred to Boudreau and Halloran as officers questioned, although neither was found by the SP Report to be abusers.

¹⁰⁸ FAQ No. 8, <https://www.Illinois.gov/tirc/Pages/FAQ.aspx/>

Watkins was arrested and interrogated by Boudreau and Halloran in January, 1992, two months after Burge was suspended from the CPD. Both detectives worked in Area 3 for several months while Burge was Commander and just before Burge was suspended. Burge, however, was not the Area 3 Commander when Watkins was interrogated and was not implicated in Watkins' allegations of abuse.

Watkins' August, 1999 PCP alleged he was beaten and maintained his confession was involuntary. Similarly, Watkins PCPs filed in 2002 and 2005 offered newly discovered evidence alleging a pattern and practice by CPD and Boudreau and Halloran to systematically abuse suspects to obtain coerced confessions. In those filings, Watkins alleged that his confession resulted from his torture and abuse by Boudreau and Halloran. The 2005 Supplemental PCP included Watkins' affidavit, and 5 live witnesses and 15 other affidavits and allegations of torture committed by Boudreau and Halloran.

4. Credibility of Boudreau and Halloran; Pattern & Practice Evidence

There exists a substantial body of allegations that both Boudreau and Halloran engaged in systematic conduct aimed at obtaining confessions through coercion. TIRC records indicate Boudreau has been accused of misconduct, abuse or coercion by approximately 38 people, and Halloran by 37 people. Boudreau obtained confessions from Hill and Flewellen, both ultimately exonerated. Completed TIRC case dispositions have determined that there was sufficient evidence linking Boudreau and Halloran to allegations of torture of certain TIRC claimants to merit judicial review. Both Boudreau and Halloran agreed to or were ordered to personally pay settlements to suspects who claimed they were abused by them.

Both Boudreau and Halloran at times have asserted the 5th Amendment privilege against self-incrimination when questioned about abusing detainees. During the 2005 Special State's Attorney grand jury investigation of Burge, Boudreau and Halloran asserted the 5th Amendment in response to questions pertaining to their employment with the CPD (as did all officers subpoenaed before the grand jury). Halloran also asserted the 5th Amendment at his initial deposition in the Hill Lawsuit, including when asked whether he or Boudreau abused Watkins in 1992. Subsequently Boudreau did testify at his deposition in the Hill Lawsuit, and others, and denied mistreating Watkins or other suspects. Halloran also subsequently provided a further deposition in the Hill lawsuit, and did not assert the 5th Amendment in response to questions about the same persons he had previously asserted the 5th Amendment, and specifically denied that Watkins was abused.

5. Judge Linn's Dismissal of Harold Hill's Already-Adjudicated Acquittal

Judge Linn, in denying Watkins Third-Stage Postconviction Petition, expressed his confidence that Harold Hill was not only an unreliable witness regarding abuse by Boudreau and Halloran, but that Hill was, in fact, guilty of the crime to which he had confessed. Respectfully, we do not share Judge's Linn's certainty regarding the guilt of Harold Hill. Nor, we point out, did at least one other judge. At the time Judge Linn made this statement in 2011, Hill had already had his conviction vacated on evidence that at least suggested Hill's innocence. Hill's own initial codefendant, Williams, had confessed to the very same murder, but had later been shown to have been incarcerated at the time of that murder. Hill's confession also contained the demonstrably false statement that Williams had participated in the murder. And DNA material found under the victim's fingernails did not implicate Hill or Williams. A judgment of Hill's credibility as a witness to abuse is one matter, but Linn's unshakeable belief in Hill's guilt, despite Hill's acquittal, is quite another, and may suggest Judge Linn did not fairly evaluate all of the evidence before him.

Major Factors Detracting From Watkins' Claim of Torture

1. No Documentation of Injuries

After the confession, Watkins was medically examined and photographed. He did not tell anyone during the exam that he was abused. The abuse did not result in any bruising or physical injuries to him. Watkins' claimed abuse was not corroborated or documented by photographs, medical evidence, or independent testimony from the hospital or a medical examiner. Watkins lack of documented injuries is not consistent with his claims of police brutality.

2. Credibility of Watkins vs Credibility of Weidhuner

Besides the Porter murder conviction, Watkins was also convicted by two separate juries of the felony armed robberies of Adams and Veronas. Watkins was also convicted in 1989 for delivery of a controlled substance with intent to deliver, for which he was sentenced to 30 months adult probation with the first 6 months incarcerated,¹⁰⁹ and additionally in 1989 for aggravated assault, for which he was sentenced to 30 months adult probation with the first 6 months incarcerated.¹¹⁰ In April, 1990, Watkins was found to have violated probation in 89 CR 9389 by the offense committed in 89 CR 11895, and sentenced for the violation to 2 months in prison.¹¹¹ These convictions negatively affect Watkins' credibility.

Moreover, if Watkins were to be believed, then ASA Weidhuner lied under oath and perjured himself at the suppression hearing and again at trial when he testified that: he never saw Halloran or Boudreau choke, slap, strike or threaten Watkins; he read out loud to Watkins his confession; Watkins read the confession before signing and making corrections; and Boudreau never re-entered the interview room while Weidhuner was present.

Watkins' credibility also suffered greatly when he acknowledged in his TIRC interview that Weidhuner had, in fact, interviewed him before writing up his confession. At the suppression hearing, Watkins had claimed that the first time he saw Weidhuner, the confession had been pre-written – an occurrence that would be highly unusual for an assistant state's attorney. Watkins' revised statement in his TIRC interview highly suggests Weidhuner's suppression hearing testimony about whether Weidhuner interviewed Watkins was true, and Watkins' was false.

It is not credible that ASA Weidhuner witnessed the claimed abuse of Watkins and committed perjury when he denied under oath doing so.

3. Direct Appeal, Early PCPs and Federal Lawsuits

Watkins' direct appeal of his murder and robbery convictions failed to raise any issue that he was abused and that his written confession was coerced. The Appellate Court affirmed Watkins' convictions. Watkins also failed to allege abuse and coercion until six years after his conviction.

During the appeal process, Public Defender Landrum's 2005 letter to Watkins noted "minimal

¹⁰⁹ People v Watkins, 89 CR 9389.

¹¹⁰ People v Watkins, 89 CR 11895.

¹¹¹ People v Watkins, 89 CR 9389, 89 CR 11895.

abuse and torture alleged (according to your testimony) and the presence of the prosecutor during some of the alleged abuse.”

Watkins did not raise torture claims in the first of two federal lawsuits he filed in 1997 against Halloran and Boudreau. He did not raise the torture claims until 2002, in his second federal lawsuit. Further, his second lawsuit was inconsistent in the details of the abuse in that it alleged for the first and only time that he was punched (rather than slapped) in the face, and that the punch had left bruising and swelling (as opposed to no bruising). Both lawsuits were dismissed.

The order dismissing the 2002 lawsuit as time barred noted Watkins' prior 1997 federal lawsuit, also dismissed, raised only claims limited to false arrest, and not that his confession was coerced.

5. 2011 Judge Linn Evidentiary Hearing

Although we note above our disagreement with some of Judge Linn's conclusion's at Watkins' third stage postconviction hearing, it remains nonetheless a judicial conclusion that must be considered. In 2011, Judge Linn granted Watkins an evidentiary hearing with respect to his allegations that his confession resulted from abuse and coercion by Boudreau and Halloran. Watkins presented his affidavit, 15 additional affidavits, as well as the live testimony of five others, all of whom testified they were similarly abused by Boudreau and Halloran, resulting in their coerced confessions. Watkins also presented newly discovered evidence demonstrating a pattern and practice of CPD misconduct, in particular by Boudreau and Halloran, to obtain coerced confessions.

Judge Linn afforded Watkins an opportunity to present evidence of CPD misconduct by Detectives Boudreau, Halloran, and others, as well as evidence of a pattern and practice by the CPD of obtaining coerced confessions from suspects through torture. Judge Linn denied Watkins' PCP and request for a new trial or suppression hearing.

CONCLUSION

Based upon the aforesaid facts and analysis, the Commission finds that there is, narrowly, sufficient credible evidence of torture to refer this matter under the TIRC Act to the Circuit Court for judicial review.

We have great reservations about Watkins' credibility. But police themselves confirm he invoked his right to silence in regards to a robbery investigation just hours before being interrogated by Boudreau and Halloran about the murder at issue here. We find that strong evidence that he would have been likely to do the same in the murder investigation, and suggestive of possible abuse.

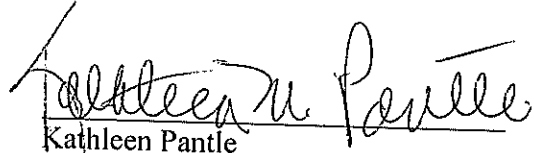
Further, we find numerous complaints against Halloran and Boudreau persuasive, particularly those that arose in cases where those who confessed were shown to have given provably false confessions and were acquitted or had their convictions reversed.

Mr. Watkins may or may not have been abused by these detectives in this instance. But those significant factors do provide enough to cross the threshold to referral.

Accordingly, the Commission concludes by a preponderance of the evidence that there is sufficient evidence of torture to merit judicial review and instructs its Executive Director to file the

Commission's conclusions and record with the Circuit Court of Cook County. This determination shall be considered a final decision of an administrative agency for purposes of administrative review under the Administrative Review Law (735 ILCS 5/3-101).¹¹²

Dated: October 16, 2019



Kathleen Pantle
Acting/Alternate Chair
Illinois Torture Inquiry and Relief Commission

¹¹² See 775 ILCS 40/55(a) of the TIRC Act. 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 (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.