



**STATE OF ILLINOIS
TORTURE INQUIRY AND RELIEF COMMISSION REGULAR MEETING
April 17, 2019, 3:00 p.m.**

Bilandic Building
160 N. LaSalle St., Meeting room N-502
Chicago, Illinois 60601

MINUTES

PRESENT:

Commissioners Present

Alternate Chairwoman Kathleen Pantle
Commissioner Robert Loeb
Commissioner Marilyn Baldwin
Commissioner Tim Touhy
Commissioner James Mullenix
Commissioner Steve Miller
Alternate Commissioner Craig Futterman

Commissioners Absent

Commissioner Stephen Thurston

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 April 17, 2019, at approximately 3:00 p.m., the meeting of the Illinois Torture Inquiry and Relief Commission (TIRC or Commission) was called to order. A quorum was established consisting of the following: Commissioners: Baldwin, Miller, Touhy, Mullenix, Loeb, and Alternate Commissioners Pantle and Futterman,

II. Approval of Minutes

Chair Pantle called for a motion to approve the draft minutes of the February 22, 2019, meeting. A motion was made by Commissioner Loeb and seconded by Commissioner Baldwin to approve the minutes as written. The minutes were unanimously approved by voice vote.

III. Chief Financial Officer's Report

Due to Dr. Ewa's absence, the agenda item was stricken.

IV. Executive Director's Report

Executive Director Olmstead reported that he traveled to Springfield in March to testify before both the House and Senate appropriations committee on the upcoming 2020 budget. He stated that the proposed budget remains static with a slight increase to accommodate the retention of counsel for TIRC claimants.

Olmstead reported to Commissioners that he had spoken with staff at the Prisoner Review Board agency (PRB), who have similar arrangements with counsel for representation of claimants. He informed Commissioners that PRB allowed TIRC staff to look over paperwork and contracts to gain insight on how TIRC should move forward with the process. Olmstead stated that he plans to reach out to more agencies.

Olmstead informed Commissioners that the Senate Committee hearing for Senate Bill 2082, which would have expanded the Commission's jurisdiction statewide and removed any deadline for making claims, was postponed. He expressed that in addition to the Commission's concerns of performing the mandate of the bill without further resources, there was opposition by the Fraternal Order of Police. Olmstead informed Commissioners that the bill did not advance out of the Senate Criminal Law Committee and returned to the Assignments Committee.

Olmstead reported that Senate Bill 1533, which clarified some vague portions of TIRC statute in accordance with the administrative rules, passed unanimously and advanced to the full Senate for a second and third reading before passing 48-0. Olmstead informed Commissioners that the bill had been taken up in the House by Representative Greg Harris for a first reading and assignment to the Rules Committee where it has remained since March 28th with no hearings scheduled at that time.

Olmstead informed Commissioners that the Illinois Appellate Court issued an opinion on the *People v. James Gibson* case, which the Commission referred to court in 2015. He reminded Commissioners that the appellate court had already released a significant decision in this case in 2018 that clarified what the rules of evidence in TIRC-referral cases should be in court along with instructions on how and when courts should draw a negative inference in cases where accused officers invoke their Fifth Amendment Rights when questioned on allegations of torture. Olmstead informed Commissioners that the March 13, 2019 ruling was also significant in that it (1) credited TIRC agency with finding photographic and medical evidence of torture that the claimant had been unsuccessfully seeking for years; (2) it specifically recognized TIRC administrative rules defining torture; and (3) it further defined torture, noting that an injury that does not require immediate medical attention does not disqualify the injury from being torture. Olmstead stated that the decision appeared to agree with TIRC assessment of evidence favorable and unfavorable to Mr. Gibson. Olmstead stated that the Circuit Court agreeing with TIRC assessments serves as an implicit endorsement of the credibility of the

Commission, and former Chair Cheryl Starks, to conduct thorough, fact-based inquiries that highlight both favorable and unfavorable evidence.

Olmstead asked if there were any questions. There were none.

V. Claims

1) Griffin, Geoffrey (2013.144-G)

Executive Director Rob Olmstead thanked Staff Attorney Michelle Jenkins for the drafting of the Griffin claim. Ultimately, he noted that he recommended dismissal while Ms. Jenkins recommended referral.

Olmstead noted victim notification had been performed. He also noted the draft recommendation had some recent changes, highlighted in red for Commissioners, and gave them time to look over them. Olmstead then outlined the facts of the case.

Griffin was arrested June 15, 2000 for the May 12, 2000, murder of Angela Jones. Another body had been found a few blocks away, and police announced the two murders may be related. Griffin alleged during his suppression hearing that a detective, Brownfield, grew angry with his denials during his interrogation, and punched his forehead with a pair of handcuffs. On June 16, 2000, police disproved Griffin's alibi. Griffin alleged that during another interrogation session, another detective, Cummings, punched him in the jaw in a tussle over pictures shoved in Griffin's face. Later that afternoon, Griffin gave a confession just prior to a planned polygraph examination. At 2 a.m. on June 17, Griffin gave a videotaped confession, which included a statement that a mark on his forehead came from burning himself at work. Police obtained no other confessions from Griffin to other murders that happened around the same time.

In his written motion to suppress, Griffin did not identify by name either detective who allegedly hit him, but identified Cummings by name in regards to another allegation. Later at his suppression hearing, he assigned responsibility to Brownfield and Cummings. At the hearing, Polygraph examiner Bartek acknowledged he may have suggested a term to Griffin in his questioning. At his suppression hearing and trial, Griffin's supervisors could not verify that Griffin had been injured at work, but testified that it was possible. A nurse who saw Griffin for asthma shortly before his arrest testified she could not say definitively if he had the forehead injury before she saw him. DNA evidence established Griffin had had sex with Jones, but he continued to deny on the stand that he had. In denying the suppression motion, Judge Fred Suria stated the picture of Griffin indicated his forehead injury was in the process of healing when he gave his confession, and Suria felt it was more likely a burn from work.

Griffin's appeals and post-conviction motions were largely consistent with his suppression hearing allegations, as were his statements in his TIRC interview. He did note, however, that the punch from Cummings had been preceded by Griffin's shoving back of pictures, as had the punch from Brownfield. Pathologist Michael Kaufmann was consulted by TIRC and said the photographs were inconclusive, but that the pictures did not exhibit the redness, swelling and puss one would expect with a punch. Complaint histories of Det. Cummings are voluminous, including allegations from Corethean Bell, who was eventually exonerated of a murder in which Cummings had obtained his confession, but blood evidence later strongly suggested Bell's innocence.

Olmstead said he was most convinced by the photograph of Griffin, which appears to demonstrate scabbing from an old burn rather than a punch. In addition, Griffin's credibility was not good, and Griffin admitted that the punch from Cummings came in the context of a shoving match over photographs rather than an attempt to secure a confession. Olmstead also believed that an absence of other confessions by Griffin were not suggestive of forced confessions.

Staff Attorney Michelle Jenkins, however, recommended the claim be referred to court. She found the detectives' complaint histories persuasive. They included complaints of baggings and other abuse. She also found the Cermak Hospital description of the forehead mark as a "sore" persuasive. She was also persuaded by employers' testimony that they had no record of a burn of Griffin at work. Jenkin's reported to Commissioners that Griffin's torture allegations were made early, often, and consistently, including during Griffin's interview with TIRC. She noted that the Commission's standard of decision did not require absolute proof of abuse, only sufficient evidence of abuse meriting judicial review.

Chair Pantle opened the floor for discussion. Commissioner Baldwin commented that initial outcry is usually persuasive however, not in the case of Griffin. According to the photo evidence, Baldwin stated that the "sore" seemed to be healing. Commissioner Loeb commented that the polygraph test was unprofessional and could've been a way to coach the defendant. Commissioners continued to discuss the claim of Griffin.

Chair Pantle asked if there were any family members of the claimant present. There were none. Pantle asked there were any victim family members present. There were none.

Pantle asked if Griffin's attorney would like to address commissioners. Attorney Jeanette Samuels thanked Commissioners for their time and depth of investigating Griffin's claim.

Chair Pantle called for a vote. Commissioners Loeb, Mullenix, and Miller voted to refer the claim to court. Commissioners Touhy, Baldwin, and Pantle voted to dismiss. Olmstead explained that according to the TIRC statute and rules, at least five affirmative votes are required to refer, and at least four to dismiss. The claim was tabled for another presentation and vote before Commissioners once a vacancy in the Commission is filled by Governor's office.

2) Martin, Timothy (2019.606-M)

Executive Director Rob Olmstead informed Commissioners that Timothy Martin filed a claim with TIRC and listed two different cases. He stated that Martin alleged torture in the case 17-CF-78 adjudicated in Livingston County and the other in the case 87-CR-28830 adjudicated in Cook County. Olmstead made clear to Commissioners that the case being presented was only regarding the Livingston County Claim.

Olmstead recommended that the claim be dismissed for the lack of jurisdiction because it originated outside Cook County. Chair Pantle agreed with Director Olmstead's recommendation.

An individual voice vote was taken. Commissioners unanimously voted to dismiss the claim of Timothy Martin in the case of the Livingston County claim for lack of jurisdiction.

3) Smith, Alonzo (2013.150-S)

Executive Director Robert Olmstead informed Commissioners that Alonzo alleged physical torture

while in the custody of Detectives Byrne and Dignan in the basement of Area 2. Olmstead informed Commissioners that the case was initially within jurisdiction when Smith was convicted in 1984, however in 2015, Smith's case was reversed and then dropped by the prosecutor.

Olmstead informed Commissioners that the Smith case is similar to the decision in the Mark Maxson case in that when the conviction is vacated, TIRC loses jurisdiction because the statute permits TIRC to investigate only claims in which there is a conviction. Olmstead informed Commissioners that not only was the Smith case dropped, but Smith was awarded a Certificate of Innocence on April 11, 2019. Olmstead recommended that the claim of Alonzo Smith be summarily dismissed due to the lack of jurisdiction.

Chair Pantle agreed that the case is not within the Commission's jurisdiction. Commissioners unanimously voted to dismiss the claim for the lack of jurisdiction

VI. Public Comment

The chair called for public comments. A member of the FOP, Martin Preib, addressed Commissioners with thoughts on Commissioners being held to the same standard as police. Chair Pantle thanked him for his comments.

Mark Clemmons asked Commissioners if there was a breakdown for how cases were heard and offered help from the Chicago Justice Torture Center in hopes of moving the cases along quicker. Clemmons also commented that there is a need for more funding. Pantle thanked him for his comments.

Kilroy Watkins, a claimant of TIRC addressed Commissioners. Watkins expressed his experiences and current living status since being released from prison. Watkins expressed that he looked forward to his claim being presented before the Commission.

Chair Pantle asked if there were any more comments. There were none.

VII. Adjournment

Commissioner Miller moved to adjourn; Commissioner Baldwin seconded. The commission voted unanimously to adjourn.