



**STATE OF ILLINOIS
TORTURE INQUIRY AND RELIEF COMMISSION REGULAR MEETING
February 17, 2020, 3:00 p.m.**

Virtual Meeting
held via WebEx Software

MINUTES

PRESENT:

Commissioners Present

Commissioner Robert Loeb
Commissioner Barry Miller
Commissioner Tim Touhy
Commissioner Marilyn Baldwin
Commissioner Stephen Thurston
Alternate Commissioner Autry Phillips

Commissioners Absent

Alternate Commissioner Kathleen Pantle
Commissioner James Mullenix

Staff Present

Rob Olmstead (Executive Director)
DeAndrea Brown
Jordan Blumenthal
Luana Montoya
Aryn Evans
Katarina Durcova
Anthony Marin
Michael Knight
Demetria Norris

I. Call to Order/Members Present

On February 17, 2021, at approximately 3:00 p.m., Commissioner Robert Loeb called the meeting of the Illinois Torture Inquiry and Relief Commission (TIRC or Commission) to order. Present were Commissioners Loeb, Baldwin, Miller, Touhy, and Thurston, constituting a quorum. Also present was Alternate Commissioner Autry Phillips. Loeb noted that Chair Pantle was unable to attend the

meeting and he was acting in her stead. He also noted that, pursuant to Gov. Pritzker's Executive Order and a determination by the chair that an in-person meeting would be impractical and imprudent due to the COVID-19 pandemic, the meeting was being held virtually via video conference.

II. Approval of Minutes

Commissioner Loeb called for a motion to approve the December 16, 2020 minutes. A motion was made by Commissioner Baldwin and seconded by Commissioner Thurston to approve the December 17, 2020 minutes. The minutes were unanimously approved 5-0 by roll-call voice vote.

III. Executive Director's Report

Director Olmstead reported to Commissioners that onboarding processes and trainings for TIRC's eight new staff members – brought on in December and January – were going well and there was more training to come. Olmstead reported that each attorney was assigned at least two cases and most had several more, with a total of 28 cases distributed among staff, and another 29 expected to be assigned by the end of March. Olmstead reported to Commissioners that new Staff Attorney/Supervisor Luana Montoya had already taken over much of the day-to-day supervision of contract attorneys.

Olmstead reported that new Staff Attorney/Pro Bono Liaison Ayrn Evans had similarly taken over much of the interaction with pro bono volunteer attorneys, who have taken on approximately 76 cases.

Olmstead was happy to report that with the fiscal year 2021 budget, and a recent rule changes in progress with the legislature's Joint Committee on Administrative Rules, TIRC now had several attorneys to represent claimants. Olmstead reported that within the past two months, TIRC received 25 applications from attorneys to represent claimants and advise them on the statutorily required waivers. Of those, any who had applied, were in good standing with the Illinois bar, had no disciplinary history, and either had already or would obtain malpractice insurance were given the chance to represent claimants. Of those offered contracts, approximately 10 accepted and those 10 now provided a ready pool of attorneys to be appointed to claimants, eliminating a choke point in the case flow.

Olmstead informed Commissioners that with the new hires and appointment of attorneys to represent claimants with TIRC claim, work has progressed exponentially. He mentioned that more interview sessions were being conducted and TIRC had already served more subpoenas in the first quarter of 2021 than it did in all of 2020. Olmstead expect numbers to continue to grow as staff became more familiar with their investigations and could work more independently.

Olmstead reported that one of TIRC's largest challenges is in the area of information technology. He informed Commissioners of the conditions of failed desktops and slow state servers, and how it has affected productivity when connecting remotely during the pandemic. Olmstead informed Commissioners that the new General Counsel, Jordan Blumenthal, had taken on the responsibility of conferring with the Department of Innovation and Technology to solve these issues and was spearheading the transition of TIRC workspace to a cloud-based system not dependent on antiquated state servers and desktops.

Olmstead reported that Jordan had also taken over responding to subpoenas and FOIA requests made to the commission, administrative rule matters, ethics trainings and most of the general counsel matters. Olmstead reported that new TIRC staff had completed the state mandated training necessary to participate in the hiring process, and would begin working on hiring for the two remaining open positions for an additional attorney and a paralegal. He mentioned that the hiring of a paralegal should

ease the burden on DeAndrea Brown, TIRC administrative assistant and contract File Retrieval Specialist Bill Marino. He noted that previously, these staff were supporting only two attorneys and are now supporting nine attorneys as well as pro bono counsel.

Olmstead reported that the Commission will be moving to 555 West Monroe due to the state's impending sale of the Thompson Center. An exact timeframe has not been solidified, but he would keep commissioners abreast of developments. Olmstead informed commissioners that the Human Rights Commission's Chief Financial Officer, Dr. Ewa could not be present at the meeting and also would be retiring at the end of February. Olmstead had been in contact with Director of Human Rights Commission, who is working on replacing Dr. Ewa's position as the TIRC budget officer.

IV. Chief Financial Officer's Report

Olmstead reported that TIRC, along with several state agencies, would likely be taking a decrease in budget. In the governor's current budget proposal, TIRC's total budget decreases \$76,000 from its current \$959,200 down to \$883,000, a decrease of 8%. Olmstead mentioned that while TIRC could use all the resources possible, he recognizes that many agencies are being asked to cut budgets due to the failure of the fair tax referendum. Olmstead planned to work within that budget.

Olmstead asked if there were any questions.

Commissioner Touhy asked how soon would TIRC staff be switched over to cloud-based system. Olmstead said he did not have an exact timeframe, but he would keep Commissioners informed on the transition.

V. Claims

1) Walker, Xavier 2011.146-W

Director Olmstead reviewed the claim of Xavier Walker, who was convicted of the May 13, 2000 murder of Marek Majdak. Olmstead mentioned that Walker consistently alleged torture by area four detectives. After Walker filed his claim with TIRC, he continued to pursue other post-conviction remedies. Court records indicated that Mr. Walker was granted a new trial in 2018 and the state dropped all charges against Mr. Walker. The dismissal of the charges was confirmed by staff with both the Cook County State's Attorney's office and with Mr. Walker's attorney, Jeanette Samuels, who is pursuing a certificate of innocence on Mr. Walker's behalf. Olmstead mentioned that TIRC Act requires that there be a standing conviction for TIRC to investigate a claim of torture.

Olmstead recommended that the claim be dismissed for a lack of jurisdiction. He noted that the suggested dismissal should not be read as approval of any alleged misconduct or as a weighing of the merits of Mr. Walker's claim, only a recognition that TIRC no longer has authority to investigate the claim. There were no questions by Commissioners.

Commissioner Loeb called for a motion to summarily dismiss. Commissioner Marilyn Baldwin made a motion to dismiss. Commissioner Barry Miller seconded. Commissioners summarily dismissed the claim of Xavier Walker by a roll-call voice vote 5-0

2) Johnson, Gregory 2013.147-J

Director Olmstead informed Commissioners that new Contract Attorney Anthony Marin would present

the claim of Gregory Johnson and noted for the record that he agreed with Marin's recommendation.

Marin recommended summary dismissal to Commissioners. He informed Commissioners that Mr. Johnson alleged torture and mistreatment by CPD officers, but did *not* allege that he had made incriminating statements, nor that any statements by Johnson were used to obtain his conviction. Marin informed Commissioners that Johnson's court transcripts confirmed that Mr. Johnson did not make incriminating statements to the Chicago Police Department or State's Attorney, nor were any such statements introduced or used to obtain Johnson's conviction.

Marin informed Commissioners that TIRC reached out to Mr. Johnson via certified mail on January 6, 2021, informed him of the likely absence of jurisdiction and invited him to respond if the Commission was mistaken in its facts. Marin reported that TIRC had not heard a response from Johnson. For these reasons, Marin recommended commissioners summarily dismiss the claim because of a lack of jurisdiction.

Commissioner Loeb asked if there were any questions. There were none. Commissioner Thurston made a motion to dismiss the claim of Gregory Johnson. Baldwin seconded. Commissioner Loeb conducted a roll-call voice vote. Commissioners unanimously voted 5-0 by roll call voice vote to dismiss the claim.

VI. Public Comment

Commissioner Loeb called for public comments.

Troi Valez (phonetic) asked if there were anything that could be done to push the governor to keep the TIRC budget flat rather than cutting it. Director Olmstead said that he would see if there was any wiggle room with this, but it's somewhat of a function of the Fair Tax Referendum failing and that he did anticipate that TIRC would take a reduction.

Ted Pearson with the Chicago Alliance against Racist and Political Repression thanked the Commission for its work and mentioned that he would like to see more resources made available to TIRC. Pearson asked a question regarding the Gregory Johnson claim, inquiring whether any other statements were made by other people that may have been used against Johnson and were the result of police torture. Marin explained there were statements given by eyewitnesses against Pearson to obtain his conviction. Olmstead clarified that the governing statute does not give TIRC authority to investigate allegations of witness torture or abuse.

Alexander Ozawa requested to see more TIRC cases being heard at commission meetings as well as holding hearings more frequently. Olmstead responded that with the addition of recent staff, he anticipated that would happen.

VII. Adjournment

Commissioner Baldwin moved to adjourn; Commissioner Touhy seconded. The commission voted unanimously by roll call to adjourn.