

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Claim of Jesus Rodriguez

TIRC No. 2013.176-R
(relates to Cook County Circuit
Court No. 04-CR-27083)

2014
2014
8
PM 12:45

SUMMARY DISMISSAL

Pursuant to sections 40(a) and 40(g) of the Illinois Torture Inquiry and Relief Act (TIRC Act, 775 ILCS 40/40(a,g)), the Commission summarily dismisses this Claim because the claimant has failed to cooperate with Commission in its assessment of his claim.

1. On August 1, 2013, Jesus Rodriguez sent a letter to the Commission alleging that Area 5 detectives “coerced and threatened my co-defendant Juan Lopez & Jomar Lopez to make [a] statement against me on a murder charge.” He additionally alleged that Juan Lopez was treated at a hospital for injuries sustained by the police who arrested him.” He did not specify if the injuries were incurred during the course of the arrest, or during the course of interrogating Juan Lopez.
2. Rodriguez additionally alleged in the letter that “Chicago Police Officers threatened and coerced me until I made a statement They promised me that they would let me go home when I finished doing the video statement and they would use[] me as a witness. I didn’t think I had a choice because detectives threaten me. Telling me that my family member would get locked up everytime they see them and would get tickets.” Commission staff sent Mr. Rodriguez a claim form to fill out.
3. On approximately August 28, 2013, Rodriguez signed a claim form with containing essentially the same allegations. The officers he listed are not known to have been supervised by Jon Burge, and Mr. Rodriguez noted that his interrogation took place at Area 5, where Burge was never assigned.
4. On September 10, 2013, Commission staff acknowledged receipt of the claim form and sent Rodriguez an indigency affidavit to fill out. Mr. Rodriguez’s file does not indicate the indigency form was ever returned.
5. On May 6, 2014, the Commission notified Mr. Rodriguez that because his claim did not appear to be related to Jon Burge, the Commission would take no action on the claim until and unless the appellate court ruled the Commission had jurisdiction in such cases.¹ The Commission invited Mr. Rodriguez to correct the Commission if Burge or a Burge supervisee was, in fact, involved in his case.

¹ At that time, the TIRC statute required that the torture have occurred at the hands of “Jon Burge or any officer under the supervision of Jon Burge.” 775 ILCS 5(1) (2014).

6. In that same letter, the then-executive director of the Commission advised Mr. Rodriguez that his claim form did “not describe any acts that could be considered torture. Your claim only describes verbal threats concerning whether you would be released or charged with a crime, and similar information.” The then-executive director requested further information, specifically asking that Mr. Rodriguez:

[L]et us know immediately if you claim that you were tortured into giving a confession that was used against you. Please provide the details of the claimed torture, and how it was used against you at trial. If we do not hear back from you that you were tortured into a confession that was used against you, your claim will be dismissed.

(Emphasis in original). The letter concluded by stating, in bold, underlined type, “**If we do not hear back from you within 30 days, your claim will be dismissed.**”

7. No response to the May 6, 2014, letter was received.
8. On June 10, 2015, the then-executive director again wrote to Mr. Rodriguez, reminding him of the May 6, 2014, letter and again requesting information on his allegations of torture. The then-executive director concluded the letter by stating:

If we are misreading your claim, and you yourself were tortured into making a confession that was used against you, please write me immediately. If we do not hear back from you within 30 days, your claim will be dismissed.

9. No response to the June 10, 2015, letter was received.²
10. On August 26, 2016, the executive director of the Commission wrote to inform Mr. Rodriguez of Public Act 99-688, which removed the requirement that Jon Burge be somehow tied to the torture, and to inform him that his claim was, to that extent, now within the Commission’s jurisdiction.

However, the letter informed him that “a question still remains about whether the actions you describe as being committed against you constitute torture.” The Commission again requested further information about the allegations, formulating a list of three specific questions. Mr. Rodriguez was also informed specifically of the TIRC Act’s requirement that it discontinue any inquiry if a claimant refused to cooperate in the assessment of a claim, and requested that he “please send a written response to the following questions, or TIRC staff will have to recommend dismissal of your claim.” The letter concluded by reminding him that “a response from you is required. If we do not receive a response within the next 30 days, we will recommend the Commission dismiss your claim.

² Although the letter was returned June 29, 2015, due to an improper address label, it was immediately re-addressed and resent to Mr. Rodriguez.

11. No response to the August 26, 2016, letter was received.³

ANALYSIS

Section 40(g) of the TIRC act specifies that

If, at any point during an inquiry, the convicted person refuses to comply with requests of the Commission or is otherwise deemed to be uncooperative by the Commission, the Commission shall discontinue the inquiry.

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

Mr. Rodriguez’s failure to return his indigency affidavit and his repeated failure to answer basic questions about his allegations indicate he has become uncooperative with the Commission in its efforts to assess his claim of torture.

CONCLUSION

The Commission deems Mr. Rodriguez uncooperative per section 40(g) of the TIRC Act and summarily dismisses his claim of torture per Section 40(a). The Commission instructs its Executive Director to notify Mr. Rodriguez of the dismissal and his right to judicial review under the Illinois Administrative Review Law.

Dated: November 16, 2016

Cheryl Starks
Chair
Illinois Torture Inquiry and Relief Commission

³ A certified, return receipt, signed by Menard prison staff, indicate the letter was delivered to the prison on August 29, 2016.