



**STATE OF ILLINOIS TORTURE INQUIRY
AND RELIEF COMMISSION**

Meeting of the Torture Inquiry and Relief Commission
October 1, 2013
2:00 p.m.

James R. Thompson Center
Conference Room 9 - 031
100 West Randolph Street
Chicago, IL 60601

MINUTES

PRESENT:

Commissioners

Chairman Cheryl Starks
Leonard Cavise
Craig Futterman (Alternate)
Doris Green (Alternate)
John Mathias
Marcie Thorp
Neil Toppel
Rob Warden

Absent Commissioners

Charles Dahm
Hipolito ("Paul") Roldan

Staff

Stephanie Hunter (Private Secretary)

Attendees

Human Rights Commission

Dr. Ewa Ewa, Chief Fiscal Officer
Donyelle Gray, General Counsel

Members of the Public:

Joseph Heinrich
Jerry Heinrich
Mary Heinrich
John Heinrich
Chris Heinrich
John Darragh

I. Call to Order

On October 1, at 2:12 p.m., Chairman Cheryl Starks called to order a meeting of the Illinois Torture Inquire and Relief Commission (TIRC). Pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., it was determined that a quorum of the public body was present at the meeting.

II. Emergency Meeting

Chair stated this is an emergency meeting called by the Chair for the specific purpose of discussing personnel matters. At this time we will go into our Executive Session which is closed to the public.

Commissioner Cavise asked the Chair if the interview questions for the candidate can be heard in the Public Session.

Commissioner Cavise motioned to go into Executive Session for the specific purpose to discuss personnel matters. Commissioner Warden seconded. Tied 3-3; no provision for a tie.

Chair stated that the interview will be heard in the Public Session.

Chair Begins the Interview for the Interim Executive Director Position: James P. Sledge (Introduction)

Q: Start with a statement, give us a brief synopsis of your background, your experience, and how you can help this Commission.

A: He's a lawyer by trade. He went to law school and practiced as an attorney for 8 years in the Cook County State's Attorney's office where he did Child Support Enforcement and Domestic Violence. Subsequent to that, he moved over to state government and has been the director for three state agencies; starting with the Human Rights Commission, Department of Employment and Security, and Central Management Services; and for the last year and a half, he was Chief Administrative Officer for the Chicago Transit Authority. One of his specialties is finding efficiencies and cost saving measures. He is interested in the Commission's work. He also served as a Director of the State of Illinois Central Management Services, where he helped

get the budget and the office in shape. And he has the opportunity to step in and help the Commission at a challenging time.

Interview questions from Commissioner Toppel

Q: Have you handled any serious felony matters?

A: No, he stopped with the misdemeanor court. If the criminal court was in the downtown area he probably would have handled felonies but he wasn't interested in 26th and California.

Q: And have you handled any post conviction matters at all?

A: No.

Q: What is your understanding of what the day in and day out job function would be of the Executive Director for the Torture Commission?

A: His experience has been in managing staff, evaluating staff, budgetary matters, and things of that nature. He would step into this organization, get himself comfortable with what the Commission is, what they expect of an Executive Director, as well as doing an overall analysis of the state of the Commission.

Interview questions from Commissioner Cavise

Q: When were you first approached about this position and by whom?

A: He was approached three weeks ago by the General Counsel in the Governors Office.

Q: Did you make an application for this job? Did you do a written application? Or did you see the job posting?

A: He inquired about returning to the Quinn administration, and in that conversation a number of positions were discussed. This is the position they believed fit his skills most.

Q: You wanted to go back into the Quinn administration and this is the position that you thought would get you back into that administration?

A: This was the best position that met his background and would meet the needs of the Commission.

Q: Was the meeting you had with the General Counsel for the purpose to find a spot for you in the Quinn administration?

A: He wouldn't characterize it that way; but more as a conversation for him to return to state government. The conversation was about his background and things he's done, and also looking at the positions throughout state government to find a good match for his skillset.

Q: Did you meet anyone in the Governor's Office besides the General Counsel?

A: He met with a number of staff individuals, and the Chairman of the Commission.

Q: Did you meet with any of the victims of crime families or victims of torture families?

A: He did not.

Q: Did you meet with any representatives of the Chicago Police Department?

A: He did not.

Q: Have you reviewed the work of this Commission?

A: He's looked at it from an operational/administrative standpoint. He has looked at the makeup of the Commission; what does the staff look like, what's the budget look like, what are kind of the major goals that are wanted to be accomplished right off the bat, and the long term goals.

Q: Do you know how many files we have pending?

A: Not off the top of his head.

Q: Have you reviewed that figure? Do you have an idea?

A: He talked about it. He doesn't know the number off the top of his head.

Q: Have you any idea what stage of preparation these cases are in?

A: He had a general conversation on what the stages were but he didn't have a specific conversation on how many the files are waiting to go before the Commission or how many files need to be investigated.

Q: And this was with the General Counsel again?

A: This was with the General Counsel, the Chairman of the Commission, and a number of individuals from the Governor's Office.

Q: And this meeting was three weeks ago?

A: The meeting he had was probably a week or so ago.

Q: Are you familiar with who David Thomas is?

A: He's the outgoing Executive Director.

Q: Have you ever met him?

A: Yes.

Q: And when did you meet him?

A: When he interviewed for the position.

Q: Several years ago?

A: Yes.

Q: Had you met him since then?

A: No.

Q: Have you had any discussion about the transition of his work to you work?

A: He hasn't had any discussions with Mr. Thomas.

Q: Is it fair to say you're going to start from "scratch" with these case files?

A: That might be a fair assumption. But, starting from "scratch" will depend on the staff and other employees in state government to get him up to speed.

Q: Have you had any experience with cases with torture?

A: He has not.

Q: Or alleged torture?

A: He has not

Q: Do you plan on investigating these cases and files, whether they are in the pipe line or not?

A: He can't answer that question until he gets offered an acceptance of employment. He would figure out what exactly their requirements would be for an Executive Director and what exactly their marching order would be.

Q: Would you know how to investigate a case?

A: He would know how to investigate a case.

Q: In a case with torture, or alleged torture, do you have any idea how to investigate that case?

A: He would look at the merits of the case from a legal perspective. He would interview all the relevant parties that need to be communicated with, and meet the specific requirements of the statute; like who needs to be contacted and when they need to be contacted. He would look at the statute as his guide to prepare an investigation.

Q: Have you seen the statute yet?

A: He's seen it, but hasn't read it.

Q: So you're not familiar with the criteria that you have to use to evaluate a case?

A: He hasn't read the statute from back to front; he's heard and had conversations with individuals as to the requirements.

Q: You have not reviewed those criteria?

A: He has not.

Q: Are you familiar with the case People v. Wrice?

A: No

Q: What is your sense of what appointment of interim means as in period of time?

A: His interpretation of interim means that one of the first jobs he would have is to find a permanent Executive Director.

Q: How would you do that?

A: They'd be having a conversation in what they're interested in having in an Executive Director; what kind of background they're looking for; or what the framework was. They would have to have an agreement on that, and then conduct a search either by posting the job or by communication.

Q: And you're not willing to say what number of months, what number of years...?

A: He doesn't think it's fair at this moment to give you a time frame because he thinks an assessment of the Commission is needed first.

Q: Are you aware there is money in the budget for this Commission to hire a Staff Attorney?

A: Yes.

Q: Do you have any plans on what your plans might be on hiring a Staff Attorney?

A: Yes.

Q: And could you tell us about those?

A: Well depending on qualifications, he'd be looking at a broad range of individuals they want to bring in to perform functions of the Staff Attorney. He has a current list of individuals he would speak to about the opening. He is a seasoned veteran of government and always has a list of individuals that he would speak to about openings. He would also look to the Commission for guidance.

Q: You already have a list of candidates for the Staff Attorney position?

A: Has a list of individuals that he's willing to reach out to who might be interested in the Staff Attorney position.

Q: And how would you go about hiring that staff? What would you look for?

A: He would review exactly what the Commission is looking for, and what the qualifications are, then he would conduct interviews. He would utilize postings where the job and salary would be listed. The he would conduct interview sessions to find the best candidate.

Q: Given your background in criminal law and cases on torture, would you think it's important to hire an attorney that has a more background in criminal law, in particular cases of torture?

A: He wouldn't look solely for someone with a criminal law background.

Q: Would you select a Staff attorney who can determine whether or not a case should be sent back to the Chief Judge? And one who can determine whether the torture was or was not error.

A: He would look for somebody with a wider criminal background than himself, and versed in the law specifically the torture statute. He wouldn't limit his candidates to someone with at least a criminal law background.

Interview questions from Commissioner Mathias

Q: Tell us a little bit about what you did at the Illinois Human Rights Commission?

A: He was responsible for the day-to-day operations of the Commission, hiring the staff, staff evaluation, preparing the budget, legislative hearings, public functions, and liaison with the Governor's Office and other agencies in state government.

Q: Did you have any kind of adjudicative responsibilities?

A: No.

Q: Any kind of investigations?

A: No.

Q: What about when you were at the Assistance State's Attorney's Office? Was that for 8 years?

A: Yes.

Q: What did you do there?

A: He was a prosecutor for Child Support Enforcement and Domestic Violence.

Q: If this position was to require you personally to do a lot of work without the assistance, staff, in other words not telling people what to do, you personally would have to do that, do you feel up to that?

A: The Commission would have to define the workload and expectations. He would be able to roll up his sleeves and get the job done.

Q: How would you address a tight budget?

A: He would figure out how to get the job done with what you have. If there was an absolute shortage then he would turn to other state agencies for assistance in order to accomplish the mission.

Q: If you were to need an investigator to outreach heavy duty investigations, and you didn't have any money to do it, how would you go about solving that problem?

A: He would hire an investigator depending on the workload. If there is a large workload yet not enough money, he is perfectly capable and would do it himself.

Q: Do you understand the major concern the Commission has is outreach to the victim's families? Have you heard about that?

A: Yes, he has.

Q: How would you propose to do it?

A: It all depends on what the Commission is charged to do. Stakeholders must have a voice, and understand what they are doing. He would reach out to the stakeholders and have a professional relationship with them. There should be an understanding of the Commission's position, and parties should be on the same page of the expectations.

Q: Would you come into this job with an open mind on the issue whether the certain defendants or incarcerated individuals were in fact tortured into giving confessions, or do you already have a point of view on it?

A: Yes, he would be able to take a look at the cases with a fresh mind without any preconceived notions or opinions.

Q: You are looking at this as an interim position to help us find an Executive Director. Are you thinking of long term Executive Director?

A: He can't answer the question until he's accepted the job.

Interview questions from Commissioner Warden

Q: Are you familiar with the role of State Attorney's Office and the current State Attorney's status in the cases?

A: The State Attorney's role in any criminal case is to prosecute crime. We have a very finite role and that is to investigate whether the individual was the victim of torture not to discuss whether or not the person committed the crime. The victim of a crime is still the victim.

Q: Are you aware that the State's Attorney has been refused in these cases?

A: He was not aware of the fact. He still knows people at the State's Attorney's Office, but none of them has said anything to him about the position. Their views on the Commission will not change his view.

Q: Have you read any of the recommendation reports that were prepared by...

A: No, He has not.

Q: You said you were not familiar with the case People VS. Wrice?

A: No, he is not.

Q: What have you done since February of this year?

A: He was with CTA until May 2013, but quit in February. Personal Story: Enjoyed his time there doing a lot of administrative work for the agency. He was born with a hip condition and suffers with pain in his leg. He had hip replacement surgery in May of 2012. He took lots of time off from work with medical problems from rushing back to work. He became sick when he left the position due to his medical issues. Once he quit, he did nothing since February until he felt stronger and healthier.

Q: In your law practice, have you ever filed a written motion or argued a contested motion in court?

A: Yes, he has done jury trials, bench trials, written motions, counter motions, all kind of things of that nature during his time as a prosecutor.

Q: Have you written articles for professional journals?

A: Yes, although, not since law school.

Interview questions from the Chair

Q: You've been an administrator for a very long time. You have not done frontline work in a very long time. Are you able to make that transition to get started ?

A: That would depend on expectations. He would need clear expectations on what exactly he needs to accomplish. He has been involved in frontline activity.

Q: You will be dealing with FOIA, you would be the FOIA Officer, and is this something you have had personal experience with or is this something you delegated to other individuals in your career as an administrator?

A: Yes, both: He has been a FIOA Officer, and he has worked with FOIA Officers.

Q: You have a clear understanding on what is expected on the FOIA?

A: Yes, it's been a while since he has read through FOIA but this kind of work is interesting for him.

Q: You were in an independent law practice from 1992 to 1994, what did you do in your private practice?

A: Divorce, real estate, contracts, anything that came through the door.

Q: This was right after you got out of law school?

A: Yes.

Q: You indicated you were there when the previous TIRC Executive Director was interviewed?

A: Yes.

Q: Do you recall what the requirements were for the executive director back then, three or four years ago?

A: Did not participate but he assisted the commissioners in recruiting an Executive Director. It was all paperwork: putting together the job overview, the form, required layout. He didn't personally question the candidates.

Chair stated:

Staff Attorneys have been interviewed for the position already.

Commissioner Futterman announced his arrival to the meeting.

Interview questions from Commissioner Cavise

Q: Are you familiar with the area that Burge worked in Chicago Police Department?

A: No, not aware of the specific area that he was responsible for.

Q: Are you familiar with any his crew, that is to say the officers who worked with him most closely?

A: No, he was not familiar.

Q: Are you familiar with a number of convictions that have already been overturned and people who have been exonerated by virtue of actual innocence and by virtue of torture?

A: Yes, he was familiar with it going on.

Q: You are probably then familiar with two special prosecutors who have already found some substantial torture during those days by the Chicago Police Department, are you familiar with those special prosecutors' reports?

A: No, he was not.

Q: Are you familiar with the City Council authorization of payments to people who were tortured and the attorney's fees that the City Council has authorized? Are you familiar with that?

A: Yes, he was.

Q: Do you know that city council has extended to millions of dollars to people who were tortured?

A: Yes.

Q: The statute says that the Commander Burge cases are priority in the work of this Commission. What does mean to you?

A: He would have to look at what other works the Commission has specified to do. He's not familiar that the Commission has looked at other cases. When you say priority; that means that is the first thing that we do and it is the first thing we look at.

Q: What is the mission of this Commission or what is your feeling?

A: What he interprets, based on conversation and based on his understanding of what the commission does, it is to investigate torture, but not to determine if a crime was committed by the defendant.

Interview questions from Commissioner Warden

Q: Do you think it would be appropriate in investigating these cases to rely on pro bono counsel from major law firms and their investigative resources?

A: It has been his experience in government to welcome any assistance that has been offered for help.

Interview questions from the Chair

Q: The Commission has a strained relationship with the State's Attorney's Office. Is that something that you believe you can step in and work with regarding the issues of victim

notification? That's the type of outreach we will be expecting from the new Executive Director to get in there and form these alliances so that we can carry out the mission for this Commission.

A: Yes, he can help the Commission with this. He promises the Commission a professional relationship with the State's Attorney.

Q: Given your lack of criminal experience are you confident that you would be able to go through and look at the statute and evidence and make proper recommendations to this Commission as to whether the issue of torture existed in a case?

A: Yes, he was confident the he would become an expert on all the relevant criminal factors.

Interview questions from the Commissioner Futterman

Q: Do you have experience investigating a torture case, and how would you investigate 30-year-old cases of potential torture.

A: No, he does not have experience investigating torture cases. Yes, he does have experience as an attorney and as a prosecutor investigating cases. He would determine who he needs to go to and attain the experience he may be lacking. He would learn exactly what this Commission does and what the expectations are of an executive director.

Chair asks for Closing Statements

Mr. Sledge stated to the Commission, thank you for all of the questions and that he was looking to enhance the dedication of the Commission in any way that he could by helping it meet its core mission.

III. Executive Session

Pursuant to the Open Meetings Act (5ILCS 120/2(c) (1)), the Commissioners voted to close a portion of the meeting at 3:15 p.m. in order to discuss internal personnel matters. Motion made by Commissioner Toppel, seconded by Commissioner Green. Motion carried (8-0).

At 4:00 p.m. the Open Meeting resumed.

IV. Item(s) coming out of Executive Session

The Commission returned to Public Session and the Judge stated that the Commission motioned that the Interim Executive Director be hired for a period of 60 days. The Commission already voted in the Executive Session on the decision to hire the Interim Executive Director, Mr. James P. Sledge, and that the Commission would take a second vote so that the public would know how the Commission voted.

The Commission Votes for the hire of James P. Sledge as Interim Executive Director;

Commissioner Toppel voted no, and asked for a continued search for an Interim Executive Director.

Commissioner Futterman voted yes.

Commissioner Green is an alternate and her vote for Mr. Sledge was not considered.

Commissioner Cavise voted no.

Chair voted yes.

Mathias voted yes.

Commissioner Warden voted no.

Commissioner Thorp voted yes.

Chair stated that the vote carried (4-3) therefore Mr. Sledge will be hired as the Interim Executive Director for a period of 60 days until which time the Commission can find a permanent Executive Director.

V. Statements from the Public: 30 minutes in total

Chair stated that this was an emergency meeting for the specific purpose of hiring an Interim Executive Director.

Mary Heinrich stated that Mr. Sledge's credentials might be good but he only seems to offer a tiny Band-Aid for a gaping wound that this Commission has.

Joe Heinrich stated that he appreciated that the Commission held the interview in public and it shows a step in the right direction as far as transparency. He hopes that that Commission sets the bar high for the new Executive Director and the Staff Attorney; choose a person that follows the law and is guided by fairness, objectivity, and liberty; who has no history of activism or involvement in wrongful conviction; who has no history of being involved in directly or indirectly with Burge-related cases; who has no history of being arrested; who has no history of suing the police; who does have a history of being neutral and fair; who is sensitive to the rights of the victims; who will work to reform the Commission; who will abolish the existing rules that intentionally by-pass victim notification. This Commission has been sorely lacking in leadership and he is hoping that the new Executive Director will not just be an administrator but a real leader who will be unbiased, fair, impartial, and above all law-abiding.

Chair stated that the Executive Director's position is to run the day to day operations of the Commission. This job would be to investigate, to contact the witnesses, family victims and to follow the letter of the law. That is the purpose of having an Executive Director. Then the Executive Director reports to the Commission. The Commission would then take his recommendations based on a thorough investigation to determine whether there is any credible evidence of torture. The Chair stated that the Commission is aware that some people do not like what the Commission does, but what the Commission does is not wrong. The Commission aims to give some hope to individuals who are wrongfully convicted based on coerced tortured confessions. While there are some individuals who may be guilty that is not the Commission's job. Your fight is with the Circuit Court at this point. Once the Commission makes a finding based on credible evidence that has been thoroughly gone through, the Commission would then make a proper referral. Your fight should have been and is with the General Assembly who made up the laws that created this Commission, not with the people who are doing their job. The Commission has a job to do and will continue to do it properly, and do it fairly. You will have a chance to be heard as required.

VI. Adjournment

The meeting was adjourned at 4:12 p.m. Motion made by Commissioner Futterman with a second by Commissioner Green. Motion carried 8-0.

Respectfully submitted,

Stephanie Hunter, Private Secretary
Torture Inquiry and Relief Commission