

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

Meeting of the Torture Inquiry and Relief Commission
December 4, 2012
3:00 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
Neil Toppel

Attendees

Human Rights Commission

LaNade Bridges
Dr. Ewa Ewa
Donyelle L. Gray

Members of the Public:

David Thomas

Absent Commissioners

Doris Green (Alternate)
Rob Warden
Marcie Thorp

NOTICE:

Closed Meetings of the Illinois Torture Inquiry and Relief Commission are audio recorded.

I. Call to Order

December 4, 2012

On December 4, 2012, at 3:11 p.m., Chair 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 there was not a quorum of the public body present at the meeting.

II. Introduction of TIRC Commissioners in Attendance

Commissioners made their introductions to signify their presence.

III. Consideration of Minutes

Chair Starks tabled the discussion for the consideration of the minutes from 10.2.2012, until the next meeting due to a quorum not being present. Commissioners Thorp, Green and Warden gave prior notice they would not be able to attend.

IV. Old Business

Chair Starks stated that since there was not a quorum the Commission will not be able to conduct TIRC's business and that the meeting will serve more as a status meeting. Chair Starks stated that she wanted David Thomas to give a status of actions that have occurred since the last meeting. Chair Starks went on to say that since the last meeting a Class Action Law Suit has been filed. One of Chair Starks' concern is that the relief being requested is reflective of what the Commission does. Chair Starks went on to say that there is a need for a permanent resolution for those individuals who were incarcerated through coercion; and that this is what the lawsuit is supposed to address.

Chair Starks believed David Thomas attended the status hearing and was given statement briefs, the issues and information regarding the special prosecutors, etc. Chair Starks stated that she wanted to ensure everyone was made aware of the pending lawsuit. Chair Starks went on to say that this is something that is obviously needed, and there are still issues regarding funding for TIRC. It was discussed and determined that pursuant to the TIRC enabling statute, TIRC was empowered to act only until approximately August 2014. What happens to those people that are incarcerated who did not make the cutoff date of August 2014?

David Thomas indicated that he did attend the status hearing and that the briefing schedule has been setup and extended into January. The issue primarily involved who was going to be representing the States Attorney's Office or the State in the cases. Mr. Thomas was not sure whether the State's Attorney's Office or the special prosecutor would be handling the cases. David Thomas went on to say it was going to be a long process before a decision will be reached.

Chair Starks stated that maybe by 2014 there would be a resolution.

A. *Status of cases assigned for new hearings*

December 4, 2012

Chair Starks stated that statuses had been not been given on any of the cases because they were recently assigned to attorneys. The Chair asked if someone would volunteer to take on the responsibility for checking on the cases periodically to keep track of the status. Chair Starks thought it would be helpful to know when the cases were given hearings to ensure someone from The Commission is present.

David Thomas stated that a couple of the attorneys had contacted him about subpoenaing the TIRC files on the cases. Chair Starks asked about the process and who receives the subpoena at HRC. Attorney Gray, General Counsel for the Human Rights Commission ("HRC") stated that a couple of months ago a clerk from the City of Chicago came to the HRC and wanted to look through various TIRC records. The clerk was told the City could send a FOIA. Since that time, Ms. Gray has not heard from the City regarding the TIRC files.

Ms. Gray went on to say a subpoena was received for David Thomas' appearance. Chair Starks asked for the specifics of the subpoena. David Thomas stated the subpoena was for a Civil Rights case, in which he gave a deposition several years ago, but which was unrelated to the TIRC cases.

David Thomas stated that attorneys for some of the cases had emailed him asking where they can serve subpoenas for TIRC's files.

Conversation ensued regarding access to TIRC's files located at HRC. The problem was TIRC did not have any dedicated staff to review TIRC files and respond to the subpoenas.

Chair Starks asked if HRC could accept the subpoenas. Ms. Gray advised that HRC did not have the staff available to take on the task of trying to respond to TIRC subpoenas. Expressing a concern that these litigants' cases might be further slowed due to the lack of TIRC staff to respond to the TIRC subpoenas, Commissioners Toppel and Cavise said that if HRC would accept and advise the Commissioners that HRC had received a subpoena, Commissioners Toppel and Cavise would accept the responsibility of physically locating and sending the files responsive to the subpoenas. Ms. Gray said she would so advise the Commissioners when a subpoena was received.

Commissioner Cavise asked if anyone could volunteer to contact the five (5) lawyers to check on the status of the five assigned cases. Chair Starks stated the Commissioners could contact the attorneys but did not know if the attorneys would speak with them. The alternative would be to contact the Clerk's Office to learn the status of the cases.

Conversation ensued regarding the case numbers assigned to the cases. David Thomas stated he would email Commissioners Toppel and Cavise the names of the lawyers handling the cases. Additional conversation ensued regarding the discussion of the cases with the assigned lawyers and subpoenas.

December 4, 2012

B. Claim Dispositions

Chair Starks indicated that there were no claim dispositions, but that two (2) additional claims had been received. Conversation ensued regarding how many cases had been received by TIRC, which was identified as 112.

V. New Business

A. Funding Status for FY13

Chair Starks asked Dr. Ewa, Chief Fiscal Officer of HRC to address the issues of funding and the obstacles he has encountered regarding authorization of the funding.

Dr. Ewa stated that the legislature was supposed to reauthorize the funding appropriation for TIRC. Dr. Ewa went on to say that in order to start spending the incoming funds sought via the federal grant, the Illinois General Assembly still had to reauthorize TIRC's budget so as to indicate its budget was open in the amount of \$160,000.00.

Dr. Ewa stated that he has been in contact with the Governor's Office and the Budget Office to see who can pull this request from the stack in order for it to be presented and reauthorized so that TIRC could obtain the necessary authorization to utilize the funds. The Budget Office has written the request and he is waiting for the legislature to reauthorize the funds. Dr. Ewa was hoping that David Thomas and staff would be back to work on December 2nd if the funds were reauthorized on November 27th. As of today, nothing has been done and the veto session ends this week. If nothing is done by the close of the veto session, it will have to wait until January.

Commissioner Cavise asked if the approval is coming from both the Senate and House to be authorized. Dr. Ewa stated that if the request is approved by both committees he can pull the information from their website and process the paperwork and TIRC can start work the following week. Conversation ensued regarding who can be called within both committees to help move the process along.

Chair Starks stated that she will make calls to the Budget Office to have someone pull the request to have the legislature reauthorize the funds. Chair Starks went on to say that the request should be on the legislature's agenda. Conversation ensued regarding who can be contacted in the Budget Office to assist the TIRC request.

Dr. Ewa stated that if the legislature had reauthorized the funding he could use HRC funds in the interim until TIRC funds were available to start the work then replace HRC funds. Additional conversation ensued regarding the Governor's Office and Budget Office for the reauthorization of funds. Dr. Ewa stated that Senator Raoul should be called to assist in pulling the request. Chair Starks indicated that Senator Raoul will be the first person to be contacted since he was an original sponsor. Chair Starks stated that if anyone has contacts in the Governor's Office or the Budget

December 4, 2012

Office that can assist in getting the request pulled, by all means call them. Dr. Ewa stated that the matter is no longer is with the Governor's Office or Budget Office, it is with the General Assembly. Conversation ensued about the process of getting government funding and the application to the ICJIA (Illinois Criminal Justice Information Authority).

Counsel Gray stated there were a number of items that had to be done to complete the ICJIA application for the federal funding for TIRC, which she and Dr. Ewa worked on. Dr. Ewa has been working with David Thomas and Ms. Gray to get all of the necessary forms completed. Conversation ensued regarding the application process and the veto session.

B. Future finding

Chair Starks stated that most of the funding topic has been covered in section "A."

C. 2013 TIRC Meeting Dates/Calendar

Chair Stark stated the Commission can set some meeting dates for 2013. The Commissioners agreed to schedule a meeting for January 15th, at 3:00pm.

VI. Public Comments

None.

VII. Miscellaneous Matters

None.

VIII. Adjournment

Chair Starks indicated that the next meeting is scheduled for January 15, 2013, and the meeting was adjourned.

Meeting Schedule for TIRC is:

- January 15, 2013 at 3:00 p.m.
Room 09-031 at the Thompson Center

Respectfully submitted,

LaNade Bridges
Private Secretary