



STATE OF ILLINOIS
TORTURE INQUIRY AND RELIEF COMMISSION REGULAR MEETING
February 22, 2019, 3:00 p.m.

James R. Thompson Center
100 W. Randolph Street, Meeting Room 9-040
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 Stephen Thurston

Commissioners Absent

Alternate Commissioner Craig Futterman

Staff on dais

Dr. Ewa Ewa (HRC CFO)
Rob Olmstead (Executive Director)
Michelle Jenkins (Staff Attorney)

Staff in Audience

DeAndrea Brown (Administrative Assistant)

I. Call to Order/Members Present

On February 22, 2019, at approximately 3:00 p.m., the meeting of the Illinois Torture Inquiry and Relief Commission (TIRC or Commission) was called to order. Alternate Chairwoman Pantle opened the meeting introducing herself as the new acting/alternate Chair of the Commission and providing brief biographical information. A quorum was established consisting of the following: Commissioners Baldwin, Miller, Touhy, Mullenix, Loeb, Thurston and

Alternate Commissioner Pantle.

II. Approval of Minutes

Chair Pantle called for a motion to approve the draft minutes of the December 22, 2018, minutes. A motion was made by Commissioner Mullenix and seconded by Commissioner Baldwin to approve the minutes as written. All Commissioners approved via group voice vote. Pantle abstained because she was not at the previous meeting. The minutes were unanimously approved on voice vote.

III. Chief Financial Officer's Report

Dr. Ewa reported that he had been working diligently with Executive Director Olmstead to fill the TIRC attorney position. He stated that the ISL's [budget documents to the legislature] are complete for FY2019 and he is working on the budget for FY2020. Pantle asked if there were any questions. There were none.

IV. Executive Director's Report

Executive Director Olmstead report was moved down the agenda until after Commissioners discussed claims.

V. Claims

1) Glinsey, LaMontreal (2011.064-G)

Executive Director Rob Olmstead informed Commissioners that the recommendation of LaMontreal Glinsey is one of two co-defendants, and the recommendation on his co-defendant, Antione Anderson, would be presented immediately following the vote on Glinsey.

Olmstead informed Commissioners that K&L Gates assisted TIRC in the investigation of these claims and thanked them for their work.

Olmstead set a framework for Commissioners with a brief overview of the co-defendant cases. Olmstead explained to Commissioners that both Glinsey and Anderson were charged in two separate criminal cases involving two separate murders. He explained that for the recommendation of Glinsey, Commissioners would consider the murder of Mr. Hudson and for his co-defendant, Anderson, they would consider the murder of Mr. Causey and Mr. Hudson. Glinsey was acquitted of Mr. Causey's murder, Olmstead noted.

Olmstead noted that relatives of the victim, Mr. Hudson, contacted TIRC and were present and may want to address the Commissioners before a voice vote on the claim of Glinsey.

Cliff Histed, a partner of K & L Gates, provided Commissioners with background information of the LaMontreal Glinsey case involving the murder of Harry Hudson. He informed

Commissioners that Glinsey filed a claim with TIRC alleging that he confessed to the crime of Mr. Hudson after allegedly being beaten and tortured by Chicago Police Department Detectives James O' Brien and John Murray. Glinsey alleged that Detective ("Det.") Murray hit him in the back with the handle of his gun, and that Det. O'Brien hit him with a closed fist five times in the face.

Histed stated that in September, 1999, Glinsey filed a motion to suppress statements. The motion to suppress alleged that Mr. Glinsey "made and signed incriminating statements only after a tall, white detective hit him twice in the back with a gun handle and a short white detective hit him in the face with a fist approximately five (5) times." Histed informed Commissioners that Glinsey testified Det. Murray pistol-whipped him and that O'Brien was the detective who had punched him. The court denied the Motion, concluding that Det. Murray's testimony was credible.

Histed informed Commissioners that on August 15, 2011, Mr. Glinsey filed a TIRC Claim Form alleging physical torture by Detectives Murray and O'Brien. Mr. Glinsey claimed that Det. Murray hit him twice with his gun on his shoulder and that Det. O'Brien hit him five times in the face with a closed fist.

Histed informed Commissioners that on December 7, 2017, TIRC and the K & L Gates team conducted a video conference with Mr. Glinsey. He stated that Mr. Glinseys maintained that Det. O'Brien had punched him five times in the face. However, Glinsey's testimony during the videoconference was inconsistent with testimony from the suppression hearing and trial. Glinsey denied to TIRC staff that Murray had ever abused him. Histed informed Commissioners that his denial conflicts with his suppression hearing testimony on alleged Murray abuse. Histed stated that Mr. Glinsey also made several other statements that were inconsistent with his earlier testimony. Histed informed Commissioners that, contrary to his suppression testimony, Glinsey told TIRC staff that he never told ASA Forester that the Detectives had hit him and he was never left alone with ASA Forester. Glinsey told TIRC staff he had received treatment for the facial beating upon entrance to the jail but had not told medical personnel that it was detectives who had beaten him.

Histed informed Commissioners that TIRC investigators reviewed the Office of Professional Standards and the Independent Police Review Authority's records related to complaints against Det. O'Brien and Complaint Records of Det. Murray. Histed reported that both Detectives had many complaints. Histed mentioned that most of the complaints were not sustained for either detective, but there were many complaints that showed a pattern of alleged torture by these detectives.

Histed stated that there are key details surrounding Glinsey's allegations; however, Glinsey had been inconsistent in his claims. Histed stated that some statements by Glinsey suggest that he has a very hazy memory of the time in question which undermine his credibility. Histed stated that there is no physical evidence of Glinsey's allegations. He also informed Commissioners that the medical intake records do not indicate that Mr. Glinsey suffered from or complained of any

physical injuries and there was a testimony given by a nurse and a paramedic who performed a medical assessment of Mr. Glinsey, that directly contradicts Mr. Glinsey's allegation. Given that there is insufficient credible evidence of torture, Histed recommended that the Commissioners vote not to refer this case to the Circuit Court.

Chair Commissioner Miller asked if Histed and his team interviewed Glinsey's defense attorney who filed the Motion to Suppress. Histed stated he did not because, in this instance, Glinsey was not now claiming additional abuse not already claimed at the suppression hearing. Mullenix recalled Glinsey's injury to the back mentioned in transcripts and on medical sheets but could not read the hand-written notes. Mullenix asked if Histed could read the hand-written notes. Histed said no but he clarified that Glinsey at one point conceded the injury to the back was a result to an altercation with an inmate. Executive Director Olmstead informed Commissioners that he could not read most of the hand-written notes but was able to make out the notation that the injury happened "yesterday" rather than two months prior, which would have been at the time of the alleged torture. Chair Pantle asked if there were any additional questions. There were none. Olmstead stated for the record that he agrees with the recommendation of K&L Gates.

Olmstead invited the relative of Hudson to speak. She declined to address Commissioners. Pantle asked if there were any family members of Glinsey present. There were none. Pantle asked if Glinsey's attorney who represented him in this claim was present. She was not. Chair Pantle called for an individual voice vote. Commissioners unanimously voted to dismiss the claim for the insufficient credible evidence.

2) Anderson, Antoine (2011.065-A)

Executive Director Rob Olmstead informed Commissioners that notifications were sent to the family members of the victims in this case and they may want to address Commissioners before the vote. Olmstead noted that there was a small change made to the first page of the draft for the claimant TIRC number and the final draft would reflect this change. Olmstead introduced James Jang of K&L Gates who presented the claim of Mr. Anderson.

Jang provided Commissioners with a brief overview and summary of Anderson case. Jang stated that Anderson alleged that Detectives James O'Brien and John Halloran handcuffed him to a ring on the wall in the interrogation room, punched him in his head, his chest, and lip. Jang informed Commissioners that Anderson alleged that the physical abuse occurred when he denied involvement in the shooting of Leroy Causey and Anderson believed that the beatings would continue unless he confessed to the shooting of Mr. Causey. Jang informed Commissioners that, although Anderson did not allege anything regarding children on his TIRC Claim Form, in Anderson's legal proceedings in the late 1990's and early 2000's, Anderson alleged that the detectives threatened to take his children away, and to put his girlfriend in jail if he did not confess.

Jang informed Commissioners that in August, 1999, Mr. Anderson's attorney filed a motion to suppress the statements that he made to the detectives and ASA Forester on November 14 and 15, 1998, stating that his statements were not made voluntarily and were made in response to verbal threats and physical abuse. Jang noted Anderson was contradicted at the motion to suppress by photos showing no injuries, and the absence of blood on Anderson's T-shirt, even though he testified he had bleed onto that T-shirt. Jang stated that the court noted that the only evidence

presented in favor of Mr. Anderson's motion was his own testimony and found the testimony of the detectives to be credible.

Jang informed Commissioners that TIRC's investigation included a review of the police reports, court pleadings, and testimonies during proceedings. Jang stated that his team and TIRC interviewed Mr. Anderson and reviewed officer complaint histories. Jang informed Commissioners that Anderson's statements were inconsistent with transcripts and the TIRC claim form.

Jang stated that there were factors supporting Mr. Anderson's allegation of physical abuse. He stated that Anderson told his first defense attorney (who passed away and was replaced with new counsel) and his grandmother, that police had beaten him shortly after the beating allegedly occurred. Jang stated that nine months after confessing, Mr. Anderson filed a motion to suppress his inculpatory statements because of police threats towards his girlfriend and children. Jang stated that allegations of abuse have been filed against the detectives accused of beating Mr. Anderson, and it is well-documented that the conduct alleged by Mr. Anderson was commonplace at the time detectives interrogated him.

Jang stated that there are some reasons to doubt Anderson's allegations of torture. He summarized that there is not only an absence of physical evidence of any abuse or injury, but the absence of blood on his shirt directly contradicts such allegations. Jang stated that Anderson testified that he wiped blood from his lip onto his white shirt, but an examination of the shirt by the court and parties revealed no blood. Jang finds that there is insufficient credible evidence that torture occurred and recommended that Commissioners vote not to refer.

Pantle opened the floor for discussion. Olmstead offered victim family members the opportunity to speak. None accepted. Olmstead stated that he agreed with the recommendation of K&L Gates. Pantle asked if there were any family members of Anderson present. There were none. A guest in the audience asked if the draft of the recommendations had been made available to Commissioners prior to this meeting. Olmstead explained that drafts, court records, transcripts, records subpoenaed etc., are given to Commissioners prior to meeting for review. Mullenix clarified to audience member that Mr. Jang had just presented a summary of the twenty-four-page draft Commissioners had before them. Pantle asked if counsel who represented Anderson for the TIRC claim wanted to address Commissioners. Counsel was not present.

Chair Pantle called for an individual voice vote. Commissioners unanimously voted not to refer the claim of Antoine Anderson for further judicial review.

Chair Pantle thanked Mr. Histed, Mr. Jang and the K&L Gates team for their fine work.

3) Dixon, Arnold (2019.598-D)

Executive Director Robert Olmstead informed Commissioners that Arnold Dixon also goes by the name James or Jimmie Fletcher, Jr.

Olmstead informed Commissioners that Dixon alleged physical misconduct and threats by police and acknowledged on his TIRC Claim form that he did not make a statement to police or

prosecutors regarding the crime of which he was convicted. Olmstead informed Commissioners that Dixon alleged physical force was used to get him to stand in a line up. Olmstead brought to Commissioners' recollection the ruling in the Sherman Morissette claim and how the U.S. Supreme Court does not consider forced presence in a lineup to violate the 5th Amendment's protection against self-incrimination.

Olmstead informed Commissioners that in one of Dixon's appellate briefs, he alleged witnesses were coerced to testify against Dixon. Olmstead noted that in the past Commissioners ruled that the language in the TIRC Act did not give authority to investigate cases of witness torture; only those of a defendant's own statement against himself. Olmstead recommended that the claim of Arnold Dixon be summarily dismissed for the lack of jurisdiction.

Chair Pantle asked if Commissioners had any questions. There were none. Pantle asked if there were any family members present of Mr. Dixon. There were none. An individual voice vote was taken. Commissioners unanimously voted to dismiss the claim of Arnold Dixon for the lack of jurisdiction.

IV. Executive Director Report

Executive Director, Rob Olmstead reported to the Commissioners that former Chair Cheryl Starks resigned at the end of December 2018 because she had served the maximum number of terms allowed. He stated that the outgoing Governor, Bruce Rauner appointed Judge Kathleen Pantle to the alternate chair position. Olmstead stated that although former Commissioner Marcie Thorp had not served two consecutive terms, but rather had been in office on an on-and-off basis over the span of two terms, chair Pantle, Commissioner Thorp and he agreed that, in the spirit of the law, Thorp submit a resignation, and she did, effective December 31, 2018. Olmstead informed Commissioners that there had been former prosecutors' names submitted to the governor's office in May 2018, and one more recently submitted. Olmstead is hopeful that the position would be selected soon to bring Commissioners back to a full compliment of eight primary commissioners.

Olmstead reported to the Commissioners that he is awaiting the announcement of who the liaison to the governor's office would be and once he finds out, he would be sure to inform Commissioners. Olmstead noted that the new governor, J.B. Pritzker, had established by executive order a "Justice, Equity, and Opportunity Initiative" that looks closely at all aspects of the criminal justice system.

Olmstead was disappointed to report to Commissioners that the attempt to fill the additional staff/grant attorney position had not been successful. Olmstead provided commissioner of a recap of the process to attempt to fill the position. Olmstead reported that after he and former Chair Starks consulted and offered the top two candidates the position, both declined due to the salary. Olmstead announced that he plans to repost the position and work with Dr. Ewa to secure approval from governor's office for the financial flexibility needed.

Olmstead informed Commissioners of recent legislative developments. He stated that recently, Senator Heather Steans reached out to TIRC offices for formal input on bill SB2082, which is backed by the Chicago Torture Justice Center and seeks to make the Commission permanent and

extend its reach beyond Cook County to the entire state of Illinois. Olmstead stated that then-Chair Starks and he had given informal verbal input on that idea in the summer in a meeting with Steans. At that time, because legislation was already being contemplated when he and then-Chair Starks gave their input, they also took the time to provide Sen. Steans with language to improve the existing statute by resolving any vagueness in the statute. He noted that most of the changes in that language have already addressed in TIRC administrative rules. He informed Commissioners that that language was advanced separately in bill SB1533, and was filed Feb 15, 2019. Among other things, it spells out how cases are deferred if they do not receive either enough votes for either referral or for dismissal.

Olmstead stated that after being asked for formal input on SB 2082, filed one week ago, there was no time to call a meeting to get the entire Commission's input, and in consultation with Chair Pantle, he informed the senator's office that the decision to extend the jurisdiction of the Commission and its longevity is a legislative policy question upon which TIRC is officially neutral. However, Olmstead stated that history of the 2016 expansion of Commission's jurisdiction has put more responsibility on the commission without the resources required, and Chair Pantle and he made clear they did not think the bill should be advanced without guaranteed additional funding. Olmstead stated that he would like to hear from the rest of Commissioners on the bill and their thoughts on the bill. Olmstead thanked the Chicago Torture Justice Center and Senator Steans for apprising TIRC on the discussion.

Commissioner Baldwin agreed with Executive Director Olmstead that more resources would be needed for Commissioners to be effective in the jurisdiction expansion. Olmstead noted the Chicago Torture Justice Center is mindful of the resource need of TIRC and hopeful for the increase of resources and expansion. Commissioner Miller stated that the Illinois Torture Commission is important and suggested to expand the jurisdiction state wide, but that priority be given to claimants who had already filed with the commission. Commissioner Mullenix agreed with Miller. Commissioner Loeb was divided. While he thinks it's fair to allow all state prisoners to have the same privilege as Cook County prisoners to file a complaint with the Commission he also believes that new legislation is supposed to have a "fiscal note" estimating its cost, and that the legislature should do so to both address any expansion and the past expansion. Commissioner Touhy suggested that TIRC find out how the bill may be addressed in the "Justice, Equity, and Opportunity Initiative" to explore whether it might want to consider the contents of SB2082 as part of their wider justice-reform initiative Chair Pantle asked if there were any more comments. There were none. No formal consensus was reached.

VI. Resolution of Appreciation for former Commissioner Marcie Thorp

Executive Director, Rob Olmstead thanked Ms. Thorp for her service with the Commission since her appointment in August of 2010 as an alternate Commissioner. Olmstead thanked Ms. Thorp for being engaged with claims, being prepared for meetings, and volunteering to chair meetings when former Chair Starks could not attend. Olmstead urged Commissioners to approve the resolution.

Chair Pantle thanked Ms. Thorp for her contributions. Commissioner Loeb motioned to approve the resolution. Mullenix second. The resolution was unanimously approved by group voice vote.

VII. Public Comment

The chair called for any public comments. Mark Clemmons of the Chicago Torture Commission addressed Commissioners with thoughts on the expansion of jurisdiction. Chair Pantle thanked Mr. Clemmons for his comments.

Kilroy Watkins a current claimant addressed commissioners and informed them that he had recently been released from prison and that he looked forward to having his claim being presented before commissioners. Chair Pantle thanked him for his comments.

Mary Johnson, the mother of potential claimant Michael Johnson addressed commissioners. Executive Director Olmstead informed her that he would give her his direct number so that he may provide her the information she was requesting. Chair Pantle asked whether there were any more comments. There were none.

VII. Executive Session

The chair called for a motion to close the meeting to the public to review past closed-session minutes. Commissioner Loeb so moved and Commissioner Mullenix seconded the motion. Pursuant to the Open Meetings Act (5ILCS 120/2(c)(21)) and 2.06, the Commissioners closed the meeting, and reconvened in open session approximately ten minutes later.

IX. Final Action on Closed-Session Matters

Chair Pantle called for a motion that all currently unreleased minutes remain confidential except for certain sections of the May 15, 2013 closed session minutes and the entirety of the July 18, 2018 closed session minutes. Commissioner Thurston so moved, and Commissioner Loeb seconded the motion. The motion was unanimously approved on a group voice vote.

Director Olmstead noted that Commissioners Miller and Baldwin had left at the end of the closed-session portion of the meeting but that a quorum was still present.

X. Adjournment

Commissioner Thurston moved to adjourn; Commissioner Touhy seconded. The commission voted unanimously to adjourn.