



**STATE OF ILLINOIS
TORTURE INQUIRY AND RELIEF COMMISSION REGULAR MEETING
Wednesday, April 13, 2022, 2:00 p.m.
At 555 W. Monroe St., Illinois Room, Chicago, IL 60661
with remote attendance option available for public**

MINUTES

PRESENT:

Commissioners Present

Commissioner Kathleen Pantle
Commissioner Robert Loeb
Commissioner Tim Touhy
Commissioner Stephen Thurston
Alternate Commissioner Vanessa del Valle
Alternate Commissioner Liliana Dago
Alternate Commissioner Autry Phillips
Alternate Commissioner Bennett Kaplan

Commissioners Absent

Commissioner Steven Block

Staff Present

Rob Olmstead (Executive Director)
DeAndrea Brown
Luana Montoya
Aryn Evans
Michael Knight
Demetria Norris
Jerry Wynn
William Marino

I. Call to Order/Members Present

On April 13, 2022, at approximately 2:00 p.m., Acting/Alternate Chair Pantle called the meeting of the Illinois Torture Inquiry and Relief Commission (TIRC or Commission) to order. Present were Chair Pantle and Commissioners Loeb, Touhy, as well as Alternate Commissioners Dago and Kaplan, comprising a quorum. Alternate Commissioner del Valle was also present but did not contribute to the quorum because the primary Commissioner for her position (Loeb) was present.

Commissioners Thurston and Alternate Commissioner Phillips arrived later during meeting. Chair Pantle introduced and welcomed newly appointed Alternate Commissioner Bennett Kaplan.

II. Claims

1. STRICKLAND, Larry (TIRC No. 2014.212B-S)

Director Olmstead noted that there were no crime victim notifications performed in this case because it did not go into formal inquiry, and he concurred with Staff Attorney Michael Knight's recommendation.

Staff Attorney Michael Knight presented the claim of Larry Strickland and recommended the claim be summarily dismissed for the lack of jurisdiction. No family members of the victim, claimant, or attorney addressed commissioners. Commissioners Pantle, Dago, Loeb, Touhy and Kaplan voted unanimously 5-0 to summarily dismiss the claim; Alternate Commissioner del Valle also registered an additional non-binding advisory vote to summarily dismiss.

IV. Executive Director Report

Director Olmstead reported that the legislature granted TIRC's budget request of \$1,110,300. A portion of the increase will go towards a rent increase and the rest toward converting contract attorneys to regular, full-time employees. Olmstead had hoped to have hired these full-time employees and vacant General Counsel position already, but mandated hiring steps were still pending CMS approval. Olmstead hoped to at least have the positions posted by the June Meeting.

Director Olmstead reported that TIRC was going through the bi-annual audit process, and it was going well. He noted that the change to cloud-based computing was facilitating sharing documents with auditors easily and securely. He mentioned that in the previous audit, TIRC had one finding against it due to all Commissioner and Alternate Commissioner positions not being filled. Olmstead noted that it is likely that TIRC will get the same finding in the current year audit as some Commissioner positions are still unfilled.

Olmstead reported that he and Chair Pantle had a videoconference with the Public Defender's office to discuss their recent decision to not represent TIRC claimants referred for judicial review. The Public Defender's position is that their statutory mandate does not extend to nor allow it to defend TIRC-referred claimants. Olmstead stated that the presiding judge of the Criminal Court, Erica Redick had endorsed that view in an order. While he disagreed with the order, he believed that the public defender did raise a good point. He mentioned that their post-conviction practice for other cases has increased dramatically in recent years and if additional funds aren't devoted to help fulfill that obligation, the resources available to the Public Defender would not result in effective representation of TIRC claimants whose cases are referred.

Olmstead informed Commissioners that various judges had been appointing private attorneys to represent claimants that TIRC has referred to court. It was still unclear whether this was a standard policy in the Criminal Division of the Circuit Court in general, or whether it was being applied on a case-by-case basis by individual judges. He we will continue to seek clarity and report back.

Olmstead welcomed questions.

Commissioner Loeb asked if Olmstead knew the names of the judges who had appointed private attorneys. Olmstead knew of three judges who had appointed counsel for TIRC-referred claimants but could not think of the names the moment, so he planned to report back with that information once he had it.

Commissioners Steven Thurston and Autry Phillip joined the meeting.

II. Claims

2. ROBINSON, Edward (TIRC No. 2015.261-R)

Director Olmstead informed commissioners that Erika Krum of Kirkland & Ellis Law Firm and Melissa Brunette of Abbvie investigated the claim of Edward Robinson and drafted the recommended disposition, with which he concurred. Olmstead informed commissioners that they had worked closely with TIRC pro bono staff liaison, Aryn Evans and thanked her. Olmstead noted that 30-day crime victim notifications were sent out and if anyone was present, they would have the opportunity to address commissioners before the vote.

Ms. Brunette stated the facts of the case and recommended the case to be referred for judicial review. No family members of the victim came forward to address Commissioners. No attorney or family members of Robinson addressed Commissioners.

Commissioners Pantle, Loeb, Kaplan, Thurston, Phillips, Touhy and Dago voted to refer for judicial review. Commissioner del Valle registered an additional non-binding, advisory vote to refer. Commissioners voted 7-0 to refer the claim for judicial review. Olmstead and Chair Pantle thanked Kirkland & Ellis and Abbvie for their assistance investigating this claim.

3. EDMONSON, Arthur (TIRC No. 2012.114-E)

Director Olmstead informed Commissioners that Greg Kubly and Sergio Acosta of the Akerman law firm investigated and analyzed the claim of Arthur Edmonson and recommended denial of the claim, but Olmstead informed recommended referral for judicial review. Olmstead made clear that he did not think that Greg and Sergio's analysis was deficient or substandard, he simply disagreed and thought that it was an extremely close case. Olmstead noted that 30-day crime victim notification had been sent out and if relatives were present, they would be afforded an opportunity to address the Commission before it votes.

Greg Kubly presented the facts of the Edmonson claim and recommended dismissal for the lack of credible evidence. He found inconsistencies in Edmonson's claims most persuasive. Olmstead then presented his view and explained why he believed that the claim should be referred.

Commissioners asked questions and discussed both views. No crime victim family members, family members of Arthur Edmonson, or attorneys addressed commissioners. Chair Pantle called for a voice vote. Commissioners voted unanimously 7-0 to refer the claim; Alternate Commissioner

del Valle registered an additional, non-binding, advisory vote to refer. Chair Pantle and Olmstead thanked Greg and Sergio for their work.

4. CRITTENDEN, Elon (TIRC No. 2013.174-C)

Director Olmstead thanked Alex Bassett Barata, Michael Esser, and Jessica Rodriguez, all attorneys of Kirkland & Ellis, for their assistance investigating and drafting the recommendation, with which Olmstead concurred. The K&E attorneys were unable to attend the meeting, so, Director Olmstead presented their recommendation on their behalf. Olmstead noted that 30-day crime victim notification had been performed.

Director Olmstead presented the claim of Elon Crittenden and recommended the claim be denied for the lack of sufficient, credible evidence. Staff Attorney Aryn Evans added that although his claim lacked credible evidence, she believed it should be referred to the Conviction Integrity Unit. Chair Pantle disagreed. No family members of the victims addressed Commissioners. No family members of Elon Crittenden, or attorney addressed commissioners. Commissioners voted unanimously 7-0 to deny the claim for judicial review; Alternate Commissioner del Valle also registered an additional non-binding advisory vote to deny. There was no motion made to refer the claim to Conviction Integrity Unit.

5. DAVIS, Vincent (TIRC No. 2012.123-D)

Director Olmstead informed commissioners that Staff Attorney Michael Knight would be presenting the claim of Vincent Davis. Olmstead noted that 30-day crime victim notifications had been performed and noted that if any family wanted to address commissioners, they would be afforded that opportunity before the Commissioners voted.

Staff Attorney Michael Knight presented the claim of Vincent Davis and recommended that the Commission deny the claim for the lack of sufficient and credible evidence. No victim family members, family members of Vincent Davis, or attorneys addressed commissioners.

Commissioners voted unanimously 7-0 to deny the claim for judicial review; Alternate Commissioner del Valle also registered an additional non-binding advisory vote not to refer.

III. Approval of Minutes December 16, 2021;

Chair Pantle presented the December 16, 2021 minutes, both Open Session and Closed session, for approval. Commissioner del Valle pointed out a typo in her name in both sets of minutes and asked for an amendment. Commissioner Loeb moved to approve as amended; Commissioner Touhy seconded. Commissioner Kaplan abstained from the vote. The minutes were unanimously approved by the remaining commissioner, as amended, 6-0 by roll-call vote with an additional non-binding advisory approval vote by Alternate Commissioner del Valle.

The February minutes were not presented for a vote.

V. Public Comment

Chair Pantle called for public comments.

Mark Clements made comments about the TIRC administrative review process. He also made comments about mail to inmates being “Legal Mail” and mail getting lost. Director Olmstead explained that claimants could appeal once they received denial and the deadline to do so is included in their notice. Director Olmstead said he would investigate whether there was anything further TIRC could do to expedite mail. He also expressed experiencing increasing issues with the timeliness of USPS Mail deliveries.

VI. Closed Session

1) Closed under Pending Litigation Exemption (5 ILCS 120/2(c)(11) – Wilson v. Burge et al., 21-CV-3487

Commissioner Loeb moved to go into closed session; Commissioner Thurston seconded. The commission voted unanimously to move to closed session. Commissioners were moved into a private virtual breakout room.

VII. Adjournment

After returning from closed session, no final action was taken on closed-session matters. Commissioner Touhy moved to adjourn meeting. Commissioner Phillips seconded. Commissioners unanimously voted to adjourn the meeting.