



**STATE OF ILLINOIS
TORTURE INQUIRY AND RELIEF COMMISSION REGULAR MEETING
Wednesday, December 14, 2022, 2:00 p.m.
James R. Thompson Center, 100 W. Randolph St., Room 9-040; Chicago, IL
IN-PERSON AND REMOTE-ACCESSIBLE MEETING**

MINUTES

PRESENT:

Commissioners Present

Substitute Chair Steven Block
Alternate Commissioner Bennett Kaplan
Commissioner Robert Loeb
Alternate Commissioner Kafi Moragne-Patterson
Alternate Commissioner Autry Phillips
Commissioner Susana Vasquez
Commissioner Erika Zunkel
Alternate Commissioner Natasha Robinson

Commissioners Absent

Commissioner Johannes Maliza
Alternate Commissioner Daniel Fenske
Commissioner Stephen Thurston
Commissioner Tim Touhy
Alternate Commissioner Vanessa del Vallé

Staff Present (some via remote connection)

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

I. Call to Order/Members Present

On December 14, 2022, at approximately 2:04 p.m., Substitute Chair Block called the meeting of the Illinois Torture Inquiry and Relief Commission (TIRC or Commission) to order.

Physically present were Substitute Chair Block, Commissioner Zunkel, Commissioner Loeb, Commissioner Vasquez, Alternate Commissioner Phillips, and Alternate Commissioner Moragne-Patterson. A motion to allow Alternate Commissioner Robinson to attend the meeting remotely under the family emergency exception under the Open Meetings Act by Commissioner Vasquez, seconded by Alternate Commissioner Phillips, with all voting members in favor, passed. Substitute Chair Block, Commissioner Zunkel, Commissioner Loeb, Commissioner Vasquez, Alternate Commissioner Phillips, Alternate Commissioner Moragne-Patterson, and Alternate Commissioner Robinson comprising quorum.

Alternate Commissioner Kaplan was also present but did not contribute to the quorum because the primary Commissioner for his position (Block) was present.

II. Claims

1. WALKER, Edward (TIRC No.2017.548.-W)

Tuba Sahiti, Edward Hillenbrand, and Whitney Fogelberg of Kirkland and Ellis presented this matter to the Commission and Director Olmstead noted his concurrence with their recommendation.

Olmstead noted that TIRC did perform 30-day crime victim notification in this matter and if any family members of the victims Frank and Evelyn Johnson were present they would be afforded an opportunity to speak before Commissioners voted.

Commissioner Zunkel requested elaboration on allegations from other cases about the underlying abuse by the officers involved in this claim, specifically whether the allegations in other cases match those in this claim. Commissioners were referred to page 19 of the draft determination showing that the allegations of abuse by those officers in this claim did not match those in other complaints about abuse.

No relatives of the victims Frank and Evelyn Johnson spoke on their behalf.

Brenda Alwerdt, the ex-wife of the Claimant Edward Walker, was present remotely and spoke on his behalf.

Candace Gormon and Melinda Power, attorneys for the Claimant, were present remotely. Melinda Power spoke on his behalf.

This matter was not recommended for referral for further judicial review and was so voted not to refer by a 5-2 Commissioners' vote, with Substitute Chair Block, Commissioner Loeb,

Commissioner Vasquez, Alternate Commissioner Phillips, and Alternate Commissioner Robinson voting not to refer, and Alternate Commissioner Moragne-Patterson and Commissioner Zunkel voting to refer, with no non-binding Advisory votes cast. Director Olmstead thanked Tuba Sahiti, Edward Hillenbrand, and Whitney Fogelberg of Kirkland and Ellis for their work on the claim and staff attorney Aryn Evans for shepherding the case.

III. Approval of Minutes (October 18, 2022 Open Session Minutes and November 16, 2022 Open Session Minutes)

No changes, corrections, or amendments to October and November Open Session Minutes were proposed by anyone. Substitute Chair Block asked the Commissioners to vote on whether to approve the October and November Open Session Minutes. Commissioner Loeb moved to approve the October and November Minutes and Alternate Commissioner Phillips seconded the motion. Substitute Chair Block, Commissioner Loeb, Commissioner Vasquez, Alternate Commissioner Phillips, Alternate Commissioner Robinson, Alternate Commissioner Moragne-Patterson, and Commissioner Zunkel voted 7-0 to approve the October and November Meeting Minutes. No non-binding advisory votes were cast.

IV. Approval of 2023 Meeting Calendar

Substitute Chair Block asked the Commissioners to vote on whether to approve the proposed meeting dates discussed at the November meeting for the year 2023 (February 15, 2023; April 19, 2023; June 21, 2023; August 16, 2023; October 18, 2023; and December 13, 2023). Commissioner Loeb moved to approve the proposed meeting dates and Commissioner Zunkel seconded the motion. Substitute Chair Block, Commissioner Loeb, Commissioner Vasquez, Alternate Commissioner Phillips, Alternate Commissioner Robinson, Alternate Commissioner Moragne-Patterson, and Commissioner Zunkel voted 7-0 to approve the 2023 Meeting Schedule. No non-binding advisory vote were cast.

V. Approval of Resolution to thank and honor recently retired Chair Kathleen Pantle

Executive Director Olmstead presented two proposed resolutions: one standard, another humorous. Substitute Chair Block suggested approving the standard resolution only. Commissioner Vasquez so moved. Commissioner Zunkel seconded the motion. Substitute Chair Block, Commissioner Loeb, Commissioner Vasquez, Alternate Commissioner Phillips, Alternate Commissioner Robinson, Alternate Commissioner Moragne-Patterson, and Commissioner Zunkel voted 7-0 to approve the standard resolution. No non-binding advisory votes were cast.

VI. Executive Director Report

On December 13, 2022, the Illinois Supreme Court gave this Commission permission to file its friend of the court brief in the Darrell Fair case. The brief the Attorney General's Office filed on TIRC's behalf does not take a position on the merits of Mr. Fair's claim of torture itself. The brief is also silent as to whether the court is limited, once the Commission refers a claim to court, to review torture and only torture, as opposed to lesser forms of coercion and other ancillary matters, as would ordinarily be done at a normal stage three postconviction hearing. Rather, the brief focuses on and urges the Illinois Supreme Court to employ a totality of the circumstances approach when assessing whether a claimant was tortured. The brief points out the court already does this when assessing whether a confession is involuntary, and advocates for the same standard to be used when it comes to torture.

Director Olmstead noted that TIRC has submitted a budget request with two scenarios. One is a flat budget scenario, which would keep the current budget at \$1.11 million. The second scenario requests that TIRC double its case attorney staff in order to complete pending case load earlier. That budget would employ 5 new case attorneys and an additional attorney supervisor and would bring TIRC's budget to \$1.59 million.

Olmstead reported that TIRC completed this calendar year 41 claims, which is short of its goal of 50-52 for this year, but still 32 percent more than the previous year despite having approximately 40 percent fewer Case Attorneys on staff this year compared to last.

TIRC is addressing the two Case Attorney vacancies and is scheduled to bring on a new Case Attorney on December 18, 2022, and will be posting to fill the other vacancy soon, as well as replacing its former Administrative Assistant, Olmstead noted. He thanked Claudia Ortega of the Human Rights Commission for formulating TIRC's budget submissions, and Jennifer Crespo for getting the necessary paperwork submitted to hire for current vacancies.

Director Olmstead reminded Commissioners to complete required all trainings per Jennifer Crespo's instructions.

Director Olmstead reported that TIRC faces three potential audit findings for the audit period of Fiscal Years 2021 and 2022. The first regards not having all 16 Commissioner and Alternate Commissioner positions filled. TIRC ultimately cannot fulfill this requirement. It must come from the Governor's office, which has recently filled many of these positions so that TIRC now has 13 of these 16 positions filled. The second finding concerns TIRC not filing its decisions with the state library. TIRC anticipates having all determinations on file with the library by year's end, but this likely will not remove the finding, since it was for past audit years, but it does correct the problem. The third potential finding regards record-keeping requirements that would demonstrate we have complied with the TIRC Act's requirement that we secure a waiver from all claimants before opening a formal inquiry. Olmstead noted that TIRC has objected to this proposed finding because it has secured waivers prior to opening every formal inquiry, but must demonstrate which of those occurred during the audit period. Olmstead was uncertain whether TIRC could complete this work in time to avoid such a finding, but would attempt to do so. He also noted that TIRC has since put new record-keeping procedures in place to avoid this issue in the future.

VII. Public Comment

Substitute Chair Block called for public comments. Mark Clements appeared remotely and objected to the finding in the Walker case and expressed frustration with the pace of dispositions. Archie Debarry inquired about a pending claim. Miguel Dixon appeared remotely and advocated for new trials for torture victims. Abraham Carmichael appeared remotely and urged the Commission to seek justice in the claims before it.

VIII. Adjournment

Commissioner Vasquez moved to adjourn the meeting. Commissioner Loeb seconded. The Commissioners unanimously voted to adjourn the meeting at 2:54 pm.