



**STATE OF ILLINOIS
TORTURE INQUIRY AND RELIEF COMMISSION SPECIAL MEETING
January 17, 2018, 3:00 p.m.**

James R. Thompson Center
100 W. Randolph Street, Meeting Room 9-040
Chicago, Illinois 60601

MINUTES

PRESENT:

Commissioners

Chairwoman Cheryl Starks
Commissioner Steven Miller
Commissioner James Mullenix
Commissioner Marcie Thorp
Alternate Commissioner Craig Futterman
Alternate Commissioner Stephen Thurston
Alternate Commissioner Timothy O'Neill

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 January 17, 2018, at 3:04 p.m., Chairwoman Starks called the meeting of the Illinois Torture Inquiry and Relief Commission (TIRC or Commission) to order. A quorum was established consisting of the following: Commissioners Starks, Miller, Mullenix, Thorp, Alternate Commissioners Futterman, Thurston, and O'Neill.

II. Approval of Minutes

Chairwoman Starks called for a motion to approve the draft minutes of the December 13, 2017, regular meeting. A motion was made by Commissioner Mullenix and seconded by Alternate Commissioner Thurston to approve the minutes as written. The minutes were unanimously approved on voice vote.

III. Chief Financial Officer's Report

Dr. Ewa reported that all the bills from FY2017 have been paid. He stated that if the FY2018 budget is approved, the Commission will be in a good position to increase contractual services. He hopes to continue the good practices from FY2017. He reported that there is a New Administrative Assistant on staff. Chair Starks asked if there were any questions. There were none.

III. Executive Director's Report

Executive Director Olmstead introduced newest staff member, DeAndrea Brown. He also introduced two new law school interns, Whitney Barth and Alejandra Palacios.

Olmstead reported to the Commissioners that a court order recently received from Judge Nicholas Ford allowing the Commission free transcription in all TIRC cases where transcripts are missing from clerk's office, state's attorney's office, and public defender was recently refused by the court reporters office. They refused because it has been the longstanding practice of the comptroller's office to require that the case number be on the order for the comptroller to pay the court reporter's office. Although Olmstead believes the order valid despite the court reporter's billing requirements, he notes that the staff, court report's office, the Attorney General's office and other stakeholders are working on a solution that will satisfy all parties involved and eliminate the need to return to court each time a transcript is needed.

Olmstead informed the Commission that claims continued to be received and that there were now 462 open claims pending.

He informed the Commission that he and Michelle were poised to present two additional claims at the meeting but received investigative information that had necessitated further witness interviews. He hopes to have the two claims ready for presentation March or May. He expects that a handful of claims will be handled by pro bono counsel to be presented in March.

Olmstead reported that with the recent engagement of a major law firm on a pro bono basis, we have a nice amount of pro bono to help out on our end. However, there is still a need for more counsel for claimants. He request that if any of the Commissioners knew of any volunteers interested, please put them in contact with the staff. He notes that a letter to recruit such counsel has been drafted by Michelle to be sent out to bar associations and individual lawyers to get interviews scheduled. Olmstead asked if there were any questions. There were none.

IV. Claims

1) Rodriguez, Rigoberto (2017.542-R) (aka Rodrigo Rodriguez)

Executive Director Rob Olmstead presented an outline and history of the claim. He recommended that this case be summarily dismissed for the lack of jurisdiction. He stated that the jurisdictional question resolves around the limited authority granted to this Commission by legislature, that being investigating claims of torture. Olmstead did not believe the conduct alleged by Rodriguez rose to the level of torture.

Chairwoman Starks opened the floor for discussion. Commissioner Futterman thought the allegations of Rodriguez, taken together, might constitute torture. Commissioner O'Neill asked if there were cases where circumstances might be involuntary, but not torture. Olmstead noted there were a cases decided by the Commission where even physical contact did not rise to the level of torture. Commissioner Miller thought the allegations likely fell short of torture, but the claimant's communication skills might have interfered with his ability to relay details, and advocated for an interview of the claimant. Commissioner Thorp noted the claimant had not alleged one of the more serious allegations, that police encouraged him to commit suicide, until the last of many communications with the Commission.

Chairwoman Starks called for a vote. Commissioner Miller motioned to defer the case for further investigation. Alternate Commissioner Craig Futterman seconded. The claim was tabled for further investigation on voice vote, with the chair dissenting.

2) Overton, Ray T. (2018.556-O)

Executive Director Rob Olmstead introduced the claim, informing the Commissioners that claimant was convicted in the courts of Sangamon County. He cited the statute, noting it only allows the Commission to consider claims of torture within Cook County. Mr. Overton was informed of this but still elected to file a claim. There is no discernable connection of Cook County in this case. Olmstead recommended that the claim be dismissed for lack of jurisdiction.

A voice vote was taken to dismiss the Ray T. Overton claim for lack of jurisdiction which was unanimous for dismissal.

V. Public Comment

Chair Starks inquired whether there were any members of the public who wished to address the Commission. No one responded.

VI. Adjournment

A motion to adjourn was made by Commissioner Mullenix and seconded by Commissioner Miller. The motion was approved by unanimous voice vote.

The next meeting is scheduled for March 28, 2018.