



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

Meeting of the Torture Inquiry and Relief Commission  
September 25, 2013  
3:00 p.m.

James R. Thompson Center  
Conference Room 9 - 040  
100 West Randolph Street  
Chicago, IL 60601

**MINUTES**

**PRESENT:**

Commissioners

Chairman Cheryl Starks  
Leonard Cavise  
Charles Dahm  
Doris Green (Alternate)  
John Mathias  
Hipolito ("Paul") Roldan  
Marcie Thorp  
Neil Toppel  
Rob Warden

Absent Commissioners

Craig Futterman (Alternate)

Staff

David Thomas  
Stephanie Hunter (Private Secretary)

Attendees

Human Rights Commission

Dr. Ewa Ewa, Chief Fiscal Officer  
Donyelle Gray, General Counsel  
LaNade Bridges, Private Secretary

Governor's Office

Glenn Morgan  
Emily Stewart

Members of the Public:

- Donald Goldhamer
- Armanda Shackelford
- Robin Kaufman
- Jeanette Plummer
- Marl Clements
- Bertha Escamilla
- Mike Elliot
- Glaydes Danie
- James Daniel
- Cathy McMillan
- Daniel Morales Sr.
- Daniel Morales Jr.
- Andrew Hale
- James H Daniel Jr.
- Anabel Perez
- Andrea Ryken
- James Heinrich
- Jane Carter
- Mary Heinrich
- Kelly Divolcy
- John Heinrich
- Joe Heinrich
- Jerry Heinrich
- Erin Fahey
- Michael Fahey
- Jamie Fahey
- Krista Fahey
- Casey Fahey Witts
- John Fahey
- John Fahey
- Pat Fahey
- Chris Heinrich
- Nancy O'Brien
- Cynthis Hora
- Leslie Ramos
- Michael Jarick
- Ann Stone
- Pam Jones
- Jessica Ratlin
- John Darragh
- Tara Akinwarde
- George Sweeny
- War Morgan

Ted Pearson  
Linda Flores  
Derek Payette  
Kim Chanbonpson  
Katie Anderson  
Brian Vickers  
Jerrica Messer  
Joi Lyons  
Kelsey Morrison  
Wallace Gator Bradley  
Marilyn Baldwin  
Standish Willis

## **I. Call to Order**

On September 25, at 3:06 p.m., Chairman 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 a quorum of the public body was present at the meeting.

## **II. Approval of Minutes**

### June 5, 2012

The Commission voted to approve the minutes of the June 5, 2012, meeting as submitted by staff. Motion to approve the minutes made by Commissioner Toppel and seconded by Commissioner Green.

Motion carried 9-0.

### July 17, 2013

The Commission voted to approve the minutes of the July 17, 2013, meeting as submitted by staff. Motion to approve the minutes made by Commissioner Toppel and seconded by Commissioner Green.

Motion carried 9-0.

### **III. Executive Session**

Pursuant to the Open Meetings Act (5ILCS 120/2(c) (1)), the Commissioners voted to close a portion of the meeting at 3:08 p.m. in order to discuss internal personnel matters. Motion made by Commissioner Toppel, seconded by Commissioner Green.  
Motion carried 9-0.

At 4:27 p.m. the open meeting resumed.

Chairman Starks stated to the public that the Commission discussed personnel matters that are to remain confidential, as appropriate pursuant to the Open Meetings Act.

### **IV. Executive Director David Thomas**

Pursuant to the agenda the chair gives the floor to the current Executive Director David Thomas.

Mr. Thomas stated that he never had intention to be the Executive Director past October 31, 2013. It is his understanding that there is a candidate for Interim Executive Director beginning October 1, 2013; therefore he submits his resignation effective September 30, 2013.

Chair requests a vote from the commission to accept Mr. Thomas's resignation, effective as of September 30, 2013.

Commissioner Green accepts  
Commissioner Toppel accepts  
Commissioner Cavise accepts  
Commissioner Warden accepts  
Chair Starks accepts  
Commissioner Dahm accepts  
Commissioner Roldan accepts  
Commissioner Thorp accepts  
Commissioner Mathias accepts

David Thomas stated that he wants to express his gratitude to the commissioners who worked with him and who supported him throughout his work.

Chair stated that there is a unanimous vote to accept David Thomas's resignation effective September 30, 2013. Chair states thank you to Mr. Thomas for all of his work. Chair

expressed apologies to any family member regarding your discomfort and/or anguish regarding this matter. Please understand that the Commission has fixed the problem.

Commissioner Warden stated on behalf of several of the Commissioners that he would like to extend gratitude to David Thomas for a wonderful job he has done in investigating the cases, which in no way detracts from the failure to notify the families as required by the statute, and the commission apologizes for that error.

## **V. Open Floor to Statements from the Public**

### **Statements regarding the case of Jamie Hauad**

Charles Moralis – He is the brother of the murder victim  
Why this is coming about. The offender was convicted of a double murder. As the victim's brother he does not think this should be allowed.

Chair stated that the commission does not determine guilt or innocence the commission's job is not simply to set anyone free. The commission is tasked with the specific purpose of determining whether a person was coerced by into giving a confession. If the commission finds that there is credible evidence based it's our investigations we will then refer the case to the circuit court. The circuit court will take a look at the case and it will determine whether or not this case deserves to get a trial. This does not mean that someone is going to get out of jail simply because the case goes to the circuit court. The commission's purpose is to protect the integrity of the legal system.

Commissioner Warden stated that under case law in this state the introduction of a confession obtained by torture cannot be harmless error. The judge would have to find that the torture occurred and that person should be entitled to a hearing.

Chair calls the next person to address the commission.

Annabelle Perez – Mother of son tortured (spoke out of turn).

Chair states that this time to speak is only for the victims and family of claimants will speak after the victims. Judge calls the victims of Jerry Mahaffey.

### **Statements regarding the case of Jerry Mahaffey**

Dawn Peuschel – She is the sister of the murder victims.  
Ms. Puecshel stated: The family just had the thirty year anniversary of their deaths (occurred in 1983). She was devastated by the news received from a friend on August 2, 2013 when she was told that one of the two killers may get a new trial, which she had

heard from the media and the family was not informed. She went on Google to confirm. She states that it is in the Illinois Constitution (Sec. 8.1) for the Crime Victims Act. She has gone to everything from the state level, federal level, and up to the 7<sup>th</sup> district. She looked up the website, Illinois Torture Inquiry and Relief Commission and she knows the mission statement and she understands what the commission is all about. It says to notify the victims of the crime for which the claimant has been convicted or the next of kin if the victim is deceased. You have a right to present to the commission your views and concerns throughout the course of the investigation; and of the right to attend certain commission proceedings otherwise closed to the public. She was then called that same day on August 2, 2013, by Joe Heinrich, who is Sue Ellen's brother, who was also contacted through the media from WBBM. She states that the family is to be notified. She just got the minutes list from last time; there is a huge list of names. Are these the people who were not notified? And last Thursday on the web she saw where Len Cavise was on the I-Team News stating that everything was remedied and all the family members have been contacted. She stated that she has been the one for the last two weeks who has tried to make sure through the Governor's Office and the Attorney General's Office that all of these victim's family members are notified because, no you did not notify these people. All of our phone numbers are listed in the victims witness for the State's Attorney's Office which is now barred from anything because of the issue which is going on here with Burge. She was one of the people who started the first Homicide Survivors Group before Daley was Mayor. She also ran a Parents of Murdered Children group.

Chair calls the next person to address the commission.

Joe Heinrich-He is the Brother of the murder victims.  
Mr. Heinrich stated: Michelle and he and his family do not condone police misconduct including police torture. He states that the issue at hand is not about police torture or police misconduct. He is here to talk about the misconduct of this commission and its turning a blind eye to illegal and unethical behavior of its Executive Director, the person the commission hired almost three years ago. He stated that he is here for the other families not yet heard and to demand reform from a commission that is out of control. He states that Dave Thomas is not the real issue. His behavior is a symptom of systemic evasive problems with this entire commission. The commission allowed him to run the show as he saw fit. He wrote the rules that you approved. He presented only the evidence that you wanted to hear. There were no checks and balances or supervision by anyone. Clearly victims were completely ignored in many cases. This is why new leadership and reform is needed. This commission has investigated and referred 17 cases to court. He stated that he reviewed all the posted minutes and not one commissioner asks about the victims. This problem came to light two months ago. Two weeks ago Mr. Cavise told ABC 7 news, there is no prejudice to the victims or victim families here, we are willing to do everything we can. He stated that he listened to the audio tape from the July 17<sup>th</sup> hearing and Dave Thomas was heard snickering and giggling as he presented the Jerry

Mahaffey case to the commission. If he had been there on July 17<sup>th</sup> he would not have laughed. Before being appointed to this commission many commissioners were already involved in Burge related issues and were already decided that any person interrogated by him or under him should go free. Some commissioners have written articles in favor of the defendants. One founded an organization to investigate police officers. Last Friday Governor Quinn announces that he wants to add a defense attorney that works for a law firm involved in Burge related court proceedings, and a priest who has been arrested and sued police officers. In today's Sun-Times Mr. Cavise said David Thomas has done an excellent job, he simply forgot to notify some of the victim's families. His comments on September 12 to ABC 7 News said the victims have suffered no prejudice because the commission suggests a "do over" suggests an appalling lack of sensitivity that this commission has caused. He is asking the commission to renounce this statement and acknowledge the pain. The response to the Freedom of Information Act (FOIA) request dated August 27<sup>th</sup>, the Commissioner's name is blocked out. Commissioner stated, I don't think anything the family can say would sway our decision. He is asking the commissioners to own up to the email. He states that he and his family cannot believe anything this commission says. Within days after learning of this debacle Rick Peuschel asked for a copy of the waiver signed by Jerry Mahaffey. Mr. Thomas denied Rick's request, and denied it again later in response to a FOIA request. He asks Chairman Starks for a copy of the signed waiver by Jerry Mahaffey.

Chair responds that this time is for his presentation only and to continue

Mr. Heinrich continues to state: Will the commission consider the tainted investigation from July 17, or will you order a fresh and complete investigation under your new Executive Director? By law the victim has the right to express his or her views throughout the investigation. He asks does it matter what the victims say. Reform must include revision of the statute so that it is clear that our voices do matter. Informal inquiries and summary referrals to send cases to court and this abbreviated process you bypassed one of the three required victim notifications and rarely do you have evidence that refutes torture. This is another example of exclusion of victims. In asking Governor Quinn to appoint her to this commission, Commissioner Thorp stated impartial state government is paramount; it is the opportunity for a fair process free from preconceived bias or prejudice which should be a main goal of the state government. We all must be vigilant to keep bias, prejudice, discrimination and injustices from happening. He states his family and the other families were deliberately and intentionally excluded from this process.

Chair responds that she agrees with some statements and also disagrees with some of them – extends apologies for your feelings and everything that has gone on and thanks you for bring this to the commissions attention. Chair calls the next person to address the commission.

**Statements regarding the case of Jackie Wilson**

Erin Fahey – She is the daughter of murder victim

Ms. Fahey stated: She is speaking on behalf of Nancy O'Brien and her husband. She is deeply troubled by the commission's failure to recognize the rights of the real victims in these cases. Two days after she learned about these proceedings from the press she watched the TV news on September 13<sup>th</sup>, in which the commission's director told the public that these errors were fixed and yet neither the O'Brien's nor her family had been contacted yet or at all. She contacted the commission's director on September 17, to let the commission now that the family would be at the September 25<sup>th</sup> meeting. This failure to acknowledge their right to be aware of these proceedings and the mistruth given to the public leads her to doubt the commission's ability to be fair and impartial in these matters especially since the commission's director (inaudible) Jackie Wilson at one time. She stated that the public is being lead to believe that these are all cases in which the defendants are wrongfully accused. She stated that she and her family deserve justice here.

Jamie Fahey - She is the daughter of murder victim

Ms. Fahey states: She was 18 months old when her father was murdered. She has no memory of her father. She asks what about her rights. She states her rights were not taken into consideration when the whole possibility of a retrial came up. She was never notified and it's already been stated that the commission blatantly lied saying the victims had been notified. Her family found out when a reporter left a message on their phone wanting a statement. She also read recently the Chicago is the murder capital of the United States; surely time, money, and resources allocated to a commission could be better spent on crime prevention. Your only proof of torture is the word of scumbag career criminals who will do anything to get out of taking responsibility for their actions. It also doesn't change the fact that two police officers were brutally murdered and taken away from their families for no reason. As the commission continues this investigation don't lose sight of the fact that her father's rights were taken from him along with his life on that tragic day.

Mike Fahey – He is the brother of the murder victim

Mr. Fahey stated: His brother was a great man who always put his friends, family, job, and country first, and career war veteran. His children had to grow up without a father. The only thing the Fahey family has ever asked for was justice for the loss of their brother. It is an outrage to think this hearing would go on without the victim's family knowing and being completely in the dark. He states that his family has only one request and that is justice to be served for the loss of their brother.

Casey Fahey Wells – She is the sister of the murder victim

Ms. Fahey stated: Our justice system here in the United States has always been based on protecting individuals against criminals and criminal activity. The issue of torture should be secondary. The alleged torture happened after the murder of the victim. With this



hearing it is obvious that the justice system is not working. She asks what exactly justice is. Our justice system means nothing if this hearing rules in favor of the claimant.

John Fahey- He is the brother of the murder victim

Mr. Fahey stated: He was not informed about this proceeding from the TIRC. He was informed by the media. He states: a pattern of no communication exists. He recently saw a letter dated August 16<sup>th</sup> online from Governor Quinn to Cook County State's Attorney Anita Alvarez. It appears the TIRC has conducted proceedings in the case of convicted defendants without the involvement of the families of the murder victims. This process can't go on like that. He finds it truly regrettable and insulting that his family found out in this manner and that they have to go through this process. He states that he really does feel sorry for the men and women in law enforcement in the state of Illinois and their families. They put their lives on the line daily and they deserve better. He asks: why would we be looking at lessening a sentence especially after two lengthy trials with guilty verdicts.

Patrick Fahey – He is the brother of the murder victim

Mr. Fahey stated: What poor judgment the TIRC used by not notifying the victim's families. He states that the Fahey families do not wish to see this commission respond favorably to the convicted claimant. His family believes in the justice system. He feels the TIRC would prefer closed meetings but the commission's decision would be loud and clear. Send a message to the criminal you are responsible for your actions send a message to the protectors of our streets, Chicago Police Department. Don't dishonor the memories of these victims or continue to hurt our families. He states: No other family should be repeatedly victimized first by the criminals and the by the system.

Chair states that these statements will be given all the consideration.

## **VI. Consideration of Rescission of Referrals and Case Dispositions:**

Commissioner Cavise moved to rescind the cases of Hauad, Mahaffey, and Wilson; Commissioner Green seconded the motion. All commissioners, except Commissioner Dahm voted in favor of the motion, and motion carried. Commissioner Dahm abstained. He is new to the Commission. For consideration was whether to rescind the cases of Jamie Hauad, Jerry Mahaffey, and Jackie Wilson for further investigation. Chair stated: These cases will be rescinded and the Commission will undergo a thorough investigation and will make sure that all proper procedures that are in place will be followed.

## VII. New Business

**Fiscal Report:** None submitted

**Setting Calendar of Meetings:** Next regular meeting will be November 20, 2013 at 1pm

### **Statements from the Public: 30 minutes in total**

Marilyn Baldwin: Retired Crime Victims Specialist with the State's Attorney's Office  
Ms. Baldwin stated: She has the Bill of Rights with her. She was a pioneer in writing the Bill; The Bill of Victims Rights 20 odd years ago. She started her work with Capital Litigation and Victim Survivors at the John Wayne Gacy execution. She spoke in support of the victims and their rights.

Chair calls the next person to address the commission.

Mark Clements: A torture victim

Mr. Clements stated: No the victims should not have had to go through the things that you went through but in reality men locked inside of interrogation rooms being tortured is why this commission was formed. Dave Thomas showed impartial activity. Dave is a good character. If Jon Burge didn't torture the people then we wouldn't be here today.

Anabel Perez: Her son is Jamie Hauad

Ms. Perez stated: She feels for everyone. They have tortured these guys and are still doing it. Her son has been there for 16 years. Says son is wrongfully convicted and was tortured by the police. The police are to serve and protect not torture people. If they were tortured at least look at the cases and acknowledge the fact that these officers were wrong.

Chair calls the next person to address the commission.

Andrew Hale: Attorney (has represented Chicago Police Officers)

Mr. Hale stated: My understanding is that the commission is only looking into whether a person was tortured or not. It looks to me like your only talking to one side of the story. He asks: are you reaching out to the detectives and the State's Attorney's who took statements from people.

Chair responds that this time is for his presentation only and to continue. Chair state the investigation is done and that the person doing the investigation is supposed to talk to the victims as well as the defendants and any witnesses.

Mr. Hale continues to state: It looks like from looking in the rules they talked to the convicted person any witnesses that identify the convicted person and reviewing documents under 3500.360.

Commissioner Cavise interjects: I'm sure you know as a lawyer many of the officer testified on the motion to suppress a confession so the commission has transcripts from them.

Mr. Hale continues: he asks of the 17 cases referred to the courts have they all been summary referrals.

Chair responds: No. Make a request to the commission for numbers related to cases. For the record, When the investigation is done everyone is supposed to be talked to, it's not just a one sided deal, we don't just talk to the defendants. If there are any witnesses who are identified and that is the whole purpose of having the notice so if anyone has information they can come forward.

Chair calls the next person to address the commission.

James Daniel – personally experienced police corruption

Mr. Daniel stated: I would like to thank the commission for their integrity and what they're going through. His brother was a teenager 25 years ago when he came in contact with Jon Burge. Mr. Daniel spoke in understanding of both the torture victims and the case victims.

Chair calls the next person to address the commission.

Mike Elliot – Chicago Alliance Against Racism Political Repression

Mr. Elliot stated: He works with people or families that have been tortured or murdered by the Chicago Police Department. He is here to encourage the commission to continue its work. He states: There is a reason why Chicago is called the "False Confession Capital of the United States," and recently there was a 60 minute program the title of that show was "Chicago: False Confession Capital." Innocent people have been tortured into making false confessions. It is a documented fact and has been proven.

Chair calls the next person to address the commission.

Armanda Schackelford – Her son is Jerald Reed who claims to have been tortured October 3, 1990.

Chair calls the next person to address the commission.

Janette Plumber-Her son is Johnie Plumber who claims to have been tortured by the police at 15 yrs of age.

Chair calls the next person to address the commission.

Standish Willis – Attorney in Chicago

Mr. Willis stated: He does criminal defense and civil rights. Several years ago after learning about the Jon Burge cases he decided to devote his time to freeing young men who were tortured. He wrote the bill that created this commission and took bus loads to Springfield to get the bill passed. He put a provision in the bill that became law that required families be notified. He estimates that over 200 young men have been tortured into confession of crimes that they did not commit. If torture was committed they deserve to have a new trial.

Unidentified woman spoke in support of the commission and the efforts to investigate and stop torture as a means of confession by police.

### **VIII. Adjournment**

The meeting was adjourned at 5:52 p.m. Motion made by Commissioner Cavise with a second by Commissioner Warden.

Respectfully submitted,

Stephanie Hunter, Private Secretary  
Torture Inquiry and Relief Commission