

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

Meeting of the Torture Inquiry and Relief Commission

June 20, 2011

3:00 p.m.

James R. Thompson Center
Conference Room 9 – 031
100 W. Randolph Street
Chicago, Illinois

MINUTES

PRESENT:

Commissioners

Chairman Patricia Brown Holmes
Bernetta D. Bush (Alternate)
Leonard Cavise
Daniel Coyne
Hipolito Roldan
Marcie Thorp (Alternate)
Neil Toppel
Rob Warden

Absent Commissioners

Doris Green (Alternate)
Janette Wilson (Alternate)
Andrea Zopp

Staff

David C. Thomas, Executive Director
Rosa Martinez, Private Secretary

Attendees

Human Rights Commission

Ewa Ewa, Chief Fiscal Officer
Michael Evans, Chief Administrative Law Judge
LaNade Bridges, Private Secretary
Donyelle Gray, Acting General Counsel
Bettina Stanford, Coles Fellows
Meghan Vanleuwen, Coles Fellows
Patrick Bushell, Coles Fellows
Berneta Haynes, Coles Fellows
Nidhi Chaudhary, Coles Fellows

Members of the Public: Denise Rotheimer
Quenton Galvan
Dickey Gaines
Armanda Schackelford
Teresita Colon
Lizandra Medina
Bertha Escamilla
Anabel Perez
Mary L. Johnson
Hellen Harity
Mary D. Powers
Larry Kennon

NOTICE:

Open and Closed Meetings of the Illinois Torture Inquiry and Relief Commission are audio recorded.

I. Call to Order

On June 20, 2011, at 3:10 p.m. Chairman Patricia Brown Holmes called to order a meeting of the Illinois Torture Inquiry 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 without the physical presence of Commissioners Green, Wilson and Zopp. Prior to the meeting, Commissioners Green, Wilson and Zopp gave notice (and good cause as defined by the Illinois Open Meetings Act) to the Executive Director David Thomas that they would be unable to attend the June 20, 2011 meeting.

II. Consideration of the Minutes

April 11, 2011

The TIRC voted to approve the minutes of the April 11, 2011, meeting subject to an amendment of the minutes, at *Present Commissioners*, to remove the hyphen from Chairman Patricia Brown Holmes’ last name as it appears in the minutes. Motion to approve the minutes as amended made by Commissioner Warden and seconded by Commissioner Cavise. Motion carried 7-0. Chairman Holmes announced the minutes will be published on the website.

III. Budget

Dr. Ewa Ewa reports that the TIRC budget for FY 2012 (FY 2012 runs from July 1, 2011, through June 30, 2012) has been published and approved for \$600,000. Interviews are currently being conducted to fill the Position of Staff Attorney. Once interviews are completed, recommendations will be made to Executive Director David Thomas and Chairman Patricia Brown Holmes. An E-par has already been approved for the Staff Attorney position. Based upon need, a publication may be made for another staff position. Conversation ensued about staff positions within the TIRC.

IV. Short Term Goals

Executive Director David Thomas states that the Proposed Rules, Title 2 and Title 20, were published in the Illinois Register, Volume 35, Issue 22, pages 8113 - 8150, on May 27, 2011. There is a required 45 day waiting period for public comments that is set to end on July 11, 2011. When the first notice period is over, the proposed rules proceed to the second notice period, which begins with a filing of the proposed rules with JCAR (Joint Committee on Administrative Rules). Executive Director David Thomas is hopeful that the Rules will be adopted approximately by the end of July.

Chairman Patricia Brown Holmes informs the Commissioners that there were a few minor edits, basically typographical errors and clarifications of particular points made to the Rules. Chairman Patricia Holmes made an executive decision to approve the edits and not delay the process of having the rules published.

Commissioner Cavise suggested advancing the August 23, 2011 meeting if the rules are to be approved by JCAR at the end of July. Executive Director David Thomas advised that there was no need to advance the next meeting date as Waiver Forms needed to be signed by claimants before investigations can formally begin, and that process is lengthy.

V. Long Term Goals

A. Ethics Training for Board Appointees

Executive Director David Thomas informs the Commissioners that the Ethics Training for Appointees to the State of Illinois Boards applies to Commissioners of the TIRC. It is required that Commissioners read the Ethics Training manual and sign the Acknowledgement of Training found on the last page of the manual. Signed Acknowledgement of Training forms should be given to Executive Director David Thomas. The signed acknowledgement will cover the period from July 1, 2011 through June 30, 2012.

B. Deciding future meeting dates

Executive Director David Thomas suggested that the Commissioners start planning for future meeting dates for the Commission. The last scheduled meeting for the year is scheduled for December 6, 2011 at 10:00 a.m. Chairman Patricia Brown Holmes proposed that Executive Director David Thomas present a suggested schedule that can be discussed at the next scheduled meeting. Conversation ensued on what times and dates would be best for everyone.

VI. New Business

Chairman Patricia Brown Holmes discussed the possibility of TIRC having its own internet website. It was suggested that Executive Director David Thomas look into rules and regulations on how to prepare a website for TIRC.

Commissioner Warden brought up whether the Commission could file an *amicus* brief in the case of Stanley Wrice. The decision of the Illinois Appellate Court stated the use of a defendant's coerced confession as substantive evidence of guilt can never be harmless error. The State is appealing the decision to the Illinois Supreme Court, arguing that the introduction of a coerced confession can sometimes be considered harmless error. Commissioner Warden suggested it would be appropriate for the Commission to file an *amicus* brief, urging the Illinois Supreme Court to affirm the First District Appellate Court decision.

Conversation ensued on whether the Commission has the authority pursuant to the TIRC statute to file an *amicus* brief. It was decided that Executive Director David Thomas should research whether the Commission has the authority to file an *amicus* brief, and report the findings at the next scheduled meeting.

VII. Statements from the Public

Ms. Denise Rotheimer, of the Coalition for the Enforcement of Justice expressed the urgency in having resources available to begin investigations. The organization has collected approximately 70 letters from people who have allegations of wrongful convictions based upon tortured confessions. Ms. Rotheimer offered her assistance to the Commission in filing these claims. Chairman Patricia Brown Holmes explained that the Commission is in the process of adopting rules of procedure, as required by state law, and cannot take any action on claims until the process is completed. Chairman Patricia Brown Holmes stated that she understands the urgency Ms. Rotheimer expressed but explained that the Commission has to be operational before any investigations can begin.

VIII. TIRC Twelve Month Calendar

The Calendar of Meetings for the TIRC, to be held in room 09-031, for the remainder of 2011 is:

- August 23, 2011 3:00 p.m.
- October 18, 2011 3:00 p.m.
- December 6, 2011 10:00 a.m.

IX. Executive Session

Pursuant to the Open Meetings Act (5ILCS 120/2(c) (1)), the Commissioners voted to close a portion of the public meeting at 3:51 p.m. in order to discuss internal personnel and future investigation matters. Motion made by Commissioner Warden, seconded by Commissioner Coyne. Motion carried 7-0.

At 4:34 p.m. the open meeting resumed.

Chairman Holmes informs the Commissioners that minutes of prior executive sessions had been reviewed to determine if they should be made available and published to the public. It was decided that the executive session minutes should not be made public. Chairman Holmes also stated that the TIRC statute gives the Commission the authority to raise funds, and if anyone is aware of any organizations that might be willing to grant funds to the TIRC, the Commission would like to be informed of their interest.

X. Adjournment

The meeting was adjourned at 4:37 p.m. Motion made by Commissioner Cavise and seconded by Commissioner Toppel. Motion carried 7-0.

Respectfully submitted,

Patricia Brown Holmes, Chairman
Torture Inquiry and Relief Commission