

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

Meeting of the Torture Inquiry and Relief Commission  
January 31, 2011  
10:00 a.m.

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

MINUTES

**PRESENT:**

Commissioners

Chairman Patricia Brown-Holmes  
Robert Acton (Alternate)  
Bernetta D. Bush (Alternate)  
Leonard Cavise  
Daniel Coyne  
Doris Green (Alternate)  
Hipolito Roldan  
Marcie Thorp (Alternate)  
Neil Toppel  
Rob Warden  
Jeanette Wilson (Alternate)

Absent Commissioners

Andrea Zopp

Attendees

Human Rights Commission

Harriet Parker, General Counsel  
Ewa Ewa, Chief Fiscal Officer  
Michael Evans, Chief Administrative Law Judge  
LaNade Bridges, Private Secretary

Members of the Public:

David Thomas  
Rachel F. Sifuentes

Ted Pearson  
Mike Elliott  
Denise Spencer  
Kellye Keyes  
Dolores Pino  
Standish Willis

**NOTICE:**

Closed Meetings of the Illinois Torture Inquiry and Relief Commission are audio recorded and Public Meetings may be audio recorded.

**I. Call to Order**

On January 31, 2011, at 10:13 a.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 Commissioner Zopp. Prior to the meeting, Commissioners Zopp gave notice (and good cause as defined by the Illinois Open Meetings Act) to the Chairman of the Public Body, Patricia Brown-Holmes, that she would be unable to be physically present at today’s meeting.

**II. Introduction of Members:**

Chairman Holmes greeted the Assembly and invited the members of the TIRC to introduce themselves. After introductions had been made, Chairman Holmes entertained a motion to substitute Marcie Thorp, Alternate Commissioner in the absence of Commissioner Zopp. Motion made by Commissioner Coyne and seconded by Commissioner Toppel. Motion carried 6-0.

**III. Consideration of Minutes**

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The TIRC voted to approve the minutes of the December 13, 2010, meeting. Motion to approve the minutes made by Commissioner Coyne and seconded by Commissioner Alternate Wilson. Motion carried 7-0.

#### **IV. Budget Update**

Chairman Holmes stated that in response to concerns voiced at a prior TIRC meeting regarding why TIRC was moving in a “linear fashion”, to get the Commission up and running, she had reviewed the Illinois Administrative Procedures Act (“IAPA”). Chairman Holmes shared that 5 ILCS 100/1-5 and 1-20, of the IAPA provides that action undertaken by an agency prior to the promulgation of its rules and regulations would be deemed invalid. Under the IAPA the public must be given two forty-five (45) day periods to comment on proposed IAPA rules. The Executive Director’s (“ED”) first order of business will be to draft Administrative Rules for the TIRC.

Professor David Thomas’ official start date is February 1, 2011. Professor Thomas’ start date was delayed in part because former corruption investigations by the U.S. Attorney’s office required the State to change its hiring process and to implement new hiring procedures for all new employees. In addition, the state has not yet released funds for the hire of any TIRC staff, including Professor Thomas.

Dr. Ewa, Chief Fiscal Officer for the Human Rights Commission confirmed, to date the funds allocated to TIRC have yet to be released by the Office of Comptroller. Dr. Ewa stated that because the position of TIRC ED had not yet been coded into the system, Dr. Ewa initiated a coding system (which has been approved), for this position which has been forwarded to the Comptroller. Dr. Ewa plans to request the Budget Office officially transfer the TIRC funds to the Comptroller today.

The State of Illinois maintains a warehouse of surplus, used furniture. Professor Thomas has selected office furniture from this surplus, which will be delivered to the TIRC offices on February 8<sup>th</sup>. HRC has ordered office supplies and Dr. Ewa has spoken with CMS regarding telephone service. Dr. Ewa is hopeful that additional staff will be hired soon.

Commissioner Cavise requested to know the definition of “action.” Commissioner Cavise believes the TIRC is authorized to review cases without taking action. Chairman Holmes responded that reviewing cases is an action. Chairman Holmes stated the TIRC is a new State Agency and not a Special or Ad Hoc Committee of the State. Chairman Holmes stated her research counsels that the TIRC must first establish the bricks and mortar of procedural rules of operation. Making decision without established rules can cause problems for the Commission , including possible law suits and other false claims.

A conversation ensued regarding the initial priorities of the ED. Chairman Holmes reiterated the first priority of the ED will be to draft rules. The ED may review the HRC's rules and regulations and may adapt those rules to conform to the mandates of the TIRC. It was suggested that an emergency meeting be convened to review the rules. Conversation continued regarding what constitutes an "action," and the legal and moral obligation of TIRC to move forward. In response to Commissioner Cavise's statement that this body had engaged in "actions" when it reviewed resumes, established salaries and interviewed prospective staff, Chairman Holmes stated these are procedural/administrative actions, required to get the Commission up and running.

Alternate Commissioner Wilson expressed concern with the length of time involved before substantive work may commence. Alternate Commissioner Wilson recommended a public statement be issued to give the public an idea of what the TIRC is doing. Conversation ensued regarding issuing a press release. Chairman Holmes agreed to issue a press release. Rachel F. Sifuentes, an Associate at Schiff Hardin, working with Chairman Holmes, agreed to assist Professor Thomas in drafting a press release.

## **V. Short Term Goals**

### **A. Executive Director Thomas**

Chairman Holmes stated Professor Thomas' first order of business is to work on the TIRC's Administrative Rules. Professor Thomas has identified Kelley Keyes, who was a candidate for the ED position, for the TIRC staff attorney position. The Administrative Assistant position remains open. An e-par is pending approval for the staff attorney position. Chairman Holmes is hopeful the e-par will be approved within the next few weeks.

Professor Thomas stated he shares the Commissioners' frustration in attempting to get the Commission up and running. Although he is not yet on salary, Professor Thomas shared he has been working on tasks to get the office established. Professor Thomas stated that the drafting of the rules and preparation of the budget, which must be submitted to the State Legislators next week, are his main priorities. Professor Thomas stated that a review of the special prosecutor's report on the Burge cases revealed 165 separate investigation reports for these 165 cases. Therefore, much of the investigation has been completed. Professor Thomas plans to secure a copy of the disk of the Egan Report.

Commissioner Cavise recommended that informational letters be sent to these 165 individuals, in addition to the 22 individuals who are the focus of Judge Nudelman's investigation. Commissioner Cavise advised he had drafted the letters to the 22 individuals. The issue of a press release was again raised. Rachel F. Sifuentes agreed to assist Professor Thomas in preparing a press release that will announce the new ED and provide information regarding the TIRC and its objectives. It was agreed the press release will be mailed to each of the 165 individuals identified in the special prosecutors report.

Chairman Holmes stated that it been established that the ED's main priority will be to establish rules for the Commission. Once established a Special meeting will be scheduled and published 48 hours in advance to give the public sufficient notice. The Commission will then review the rules and publish them pursuant to State law. Chairman Holmes would like to schedule a meeting in late February. Professor Thomas stated he will send the rules to the Commissioners' for their review prior to the meeting.

Chairman Holmes stated that the ED will respond to inquiries and letters received via the press release. Conversation ensued regarding how Commissioners should handle letters sent to them directly. Chairman Holmes stated the letters should be sent to the ED and he will respond. Until procedures are established a copy of any letters received will be given to each Commissioner to review. Chairman Holmes stated that she consults with the HRC's General Counsel before making decision to ensure she is in compliance with the Act.

## **VI. Long Term Goals**

### **A. Discussion of establishment of subcommittees**

Chairman Holmes stated the Commission cannot form subcommittees until the codification of the TIRC's Administrative and Procedural Rules.

## **VII. A. New Business**

Illinois Human Rights Commission ("HRC") General Counsel Harriet Parker was introduced. Ms. Parker distributed sections of the HRC's Administrative Rules, which reference inspections and investigation. Ms. Parker suggested Professor Thomas also review the Department of Human Right's ("DHR") Administrative Rules because the DHR investigates charges of discrimination, before the charge comes to the HRC as a filed Complaint. Ms. Parker briefly discussed the fact that State Agencies are subject to numerous audits and survey requests throughout the year. Ms. Parker distributed copies of the HRC's response to one such survey that requested exhaustive

information on every aspect of every act performed by the HRC's Commissioners, during the last three fiscal years.

Lastly, Ms Parker discussed two Sections of the Open Meeting Act, which has been amended effective January 1, 2011. The Act now allows a member of the public to speak at public meetings subject to the agency's Administrative Rules. Effective 2007, the public is allowed to record, tape, and film a public meeting, subject to the Rules outlined in the agency's Administrative Rules.

Chairman Holmes invited the public to speak. Members of the public who took the opportunity to speak included Ted Pearson, of Chicago Alliance who stated he has received letters from imprisoned men alleging they were tortured. He was encouraged to forward all such letters to the TIRC. Mr. Pearson stated he is looking forward with working with the TIRC.

Attorney Standish Willis stated that he as well as the Community is very excited that the TIRC is here and commended the Board of Directors for their dedication. Attorney Delores Pino asked if the names of alleged torture victims would be published. Chairman Holmes responded as the Commission has not promulgated rules she cannot say whether the names will be published. Professor Thomas offered to supply Ms. Pino with information regarding where she may obtain a disk of Special Prosecutor Egan's report which contains the 165 names.

Mike Elliott, of the John Burge Coalition, stated that he is looking forward to working with the TIRC, and hopes to attend all of the meetings. Mr. Elliot stated he is able to provide information to the Commission from the prisoners' point of view. As these prisoners' cases are not being heard, a key demand of the Coalition, is to get their cases heard.

Denise Spencer, parent of a tortured man, stated her son was convicted and sentenced to 30 years after having been tortured. She is glad the Commission is available, because before today she felt hopeless. Ms. Spencer will try to attend the TIRC meetings.

Chairman Holmes thanked the public for coming and for their comments.

Mr. Mike Elliott asked if a rule can be implemented to ensure that literature passed out during the meeting to the Commissioners is also given to the members of the public present at the meeting. Chairman Holmes stated that it would be impossible to know how many members of the public will attend these meetings. Mr. Elliott also asked if members of the public may participate on the subcommittees. Chairman Holmes explained that the subcommittees are committees for the Commissioners as per the Open Meetings Act.

Commissioner Cavise recommended that the TIRC's calendar be published in the press release and on the website. Chairman Holmes stated that the calendar can be part of the press release and that the calendar is currently published on the website. It was decided the next meeting of the TIRC will be on February 28<sup>th</sup>, at 3:00 p. m.

**A. Executive Session**

There was no Executive Session.

**B. TIRC Twelve Month Calendar**

The Calendar of Meetings of the TIRC for 2011 is as follows:

- February 28, 2011 3:00 p.m. Room 09-031
- April 11, 2011 10:00 a.m.
- June 20, 2011 3:00 p.m.
- August 23, 2011 3:00 p.m.
- October 18, 2011 3:00 p.m.

All meetings of the TIRC will be held in Room 2-025 of the James R. Thompson Center, unless otherwise noted.

**C. Adjournment**

The meeting was adjourned at 11:26 a.m. Motion made by Commissioner Toppel and seconded by Commissioner Warden. Motion carried 7-0.

Respectfully submitted,

Patricia Brown-Holmes, Chairman  
Torture Inquiry and Relief Commission