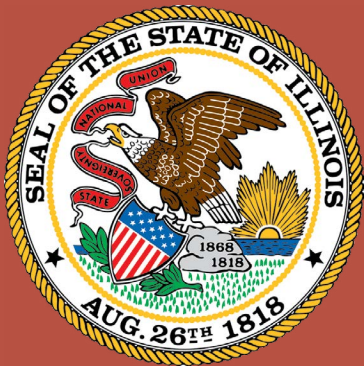




State of Illinois  
Human Rights Commission

# the Illinois Human Rights COMMISSION

**ANNUAL REPORT FISCAL YEAR 2023**  
(July 1, 2022-June 30, 2023)

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## a message from the Illinois Human Rights Commission

As required by the Illinois State Finance Act (30 ILCS 105/3), the Illinois Human Rights Commission ("Commission") respectfully submits its Agency Annual Report for the fiscal year ending June 30, 2023.

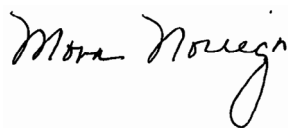
Also, included within this report is a section on and by the Illinois Torture Inquiry and Relief Commission, which is an independent commission tasked with separate duties and responsibilities not covered under the Illinois Human Rights Act.

This reporting period saw the Commission undertake and accomplish much to inform the residents of Illinois about their rights under the Illinois Human Rights Act ("Act") and to timely and appropriately adjudicate those matters which arise under the Act and which are brought before the Commission.

During the reporting period, the Commission accelerated its multi-year efforts to refine our processes, policies, and operations with the singular goal of making the Commission the litigation forum of choice for those with discrimination complaints arising under the Act.

For more than forty years, Illinois has been a national leader in providing substantial and evolving legal protections for the civil rights of its residents. We at the Commission are honored to play a growing role in the ongoing protection of those rights, and we appreciate the opportunity to work collaboratively with the Governor, the Illinois General Assembly, our sister agencies, and the legal and non-profit communities of our State in this critical endeavor.

Sincerely,



The Hon. Mona Noriega  
Chair and Commissioner



Tracey B. Fleming  
Executive Director

# roles and functions of the Illinois Human Rights Commission

Almost all discrimination complaints which come to the Commission must first go through the Illinois Department of Human Rights ("Department"), which is tasked with investigating alleged civil rights violations under the Act. Depending on the outcome of the Department's investigation, some (but not all) complaints may be filed with the Commission.

The Commission is led by an Executive Director who oversees the administration and management of the agency. The Commission is organized into three primary areas: (1) the Administrative Law Section ("ALS"); (2) the Office of the General Counsel ("OGC"); and (3) the Chair and Commissioners.

- The ALS is staffed by Administrative Law Judges ("ALJs") who preside over cases, conduct hearings, take testimony, rule on questions of evidence, make factual and legal determinations, and award monetary and non-monetary relief as warranted. The ALS also runs a judicial settlement program that allows parties to request an ALJ to serve as a mediator and assist them in attempting to reach a settlement agreement.
- The OGC manages the docket of cases pending before the Commissioners and provides legal opinions, advice, and recommendations to the Commissioners on the laws, judicial opinions, and procedural rules affecting these cases. The OGC also advises the Executive Director and performs legal services for all programmatic and administrative functions of the Commission.
- The Chair and Commissioners provide broad oversight of the Commission's functions and have final authority to review, accept, reject, or modify both the decisions of the ALJs and the dismissal of discrimination charges by the Department. Beyond their quasi-judicial review work, the Chair and Commissioners conduct extensive outreach and educational activities to inform the members of the public about their rights and responsibilities under the Act.

# serving and supporting litigants – the year in review

*Among several critical goals for government at all levels must be that the government reflects those individuals it serves and that it functions well and as quickly as possible.*

Notwithstanding multiple vacancies and a challenging employment environment overall, the Commission has succeeded in maintaining a dedicated and diverse staff.

While ensuring consistency between workloads and staffing levels, the Commission was delighted to add a sixth ALJ during FY 2023. This is the highest number of ALJs we have had since FY 2014, but also significantly lower than the total of 17 ALJs that were on staff at the Commission during FY 1997.<sup>1</sup>

More importantly, the newest ALJ hire further positions us to handle our ALS caseload with continuing quality and increasing speed, befitting our goal of making the Commission the litigation forum of choice for discrimination complaints arising under the Act. At the end of FY 2023, the Commission's ALJ ranks were 50% female and 33% racially diverse, reflecting growth of 25% and 100% in those categories (respectively) since FY 2020.

Overall, the staff of the Commission is 67% diverse from both a racial and gender standpoint as of this reporting.

As of June 2023, there are no longer any pre-hearing cases older than calendar year 2019 on the docket of our ALJs. This means that the average age of all pre-hearing cases before the ALS has now fallen to just 21 months (i.e., less than two years). At the same time, the overall caseload for the ALS has been reduced by more than 50% since the end of calendar year 2021.

<sup>1</sup> Illinois Human Rights Commission 1997-1999 Annual Report available at [hrc.illinois.gov](http://hrc.illinois.gov), Page 13

*One method for determining the overall health of an administrative hearing system is looking at the nature of the docket of cases before it.*

Through our revitalized Judicial Settlement Conference Program, from April 2022 through June 2023, the ALS conducted 57 settlement conferences, of which 75.4% were successfully concluded with an agreement between the parties. The attainment of a settlement is a desirable outcome for both complainants and respondents but also for the Commission itself because it eliminates the investment of time and direct expense of an ALJ presiding over a public hearing and drafting the resulting recommended order and decision. Thus, settlements create direct and substantial savings for the taxpayers of the State of Illinois.

During FY 2023, the Commission established a pilot program to provide interpretation services to litigants with limited English proficiency who participate in the Judicial Settlement Conference Program. During the reporting period, we had four individuals request and receive interpretation services with 100% of them achieving a successful settlement in their proceedings.

In response to this success, the Commission, with support from the Office of the Governor, worked with the Illinois General Assembly to clarify language in the Act about the types of interpretation services the Commission will provide to individuals appearing before the Commission. The existing language authorized the Commission to appoint at its expense a qualified sign language interpreter whenever a hard-of-hearing person is a party or witness at a public hearing. The Commission proposed legislation to expand its authority to also serve the growing number of people with limited English proficiency participating in its legal proceedings. This legislation, signed into law as Public Act 103-0326 and effective on January 1, 2024, clarifies that the Commission will provide a qualified interpreter whenever a hard-of-hearing individual or an individual who lacks proficiency in the English language is a party or witness in proceedings before the Commission.

Finally, the Commission continued to maintain a highly efficient Request for Review docket. A complainant who has their discrimination charge dismissed by the Department can file a Request for Review asking the Commission to review that dismissal. Prior to 2020, a decade-long backlog of 2,558 pending Requests for Review existed at the Commission. Today, with active engagement and leadership from our Commissioners, less than 100 Requests for Review are typically pending with the Commission at any given time and these matters are typically decided within 90 days of submission of all required filings.

# education and information – the year in review

*While the continuing evolution of the Illinois Human Rights Act reflects the growing understanding and value of protecting individual civil rights, it is incumbent for government agencies to do more to ensure that the public both understands their rights and has access to the best information possible on how to exercise those rights.*

During the reporting period, the Commission rebuilt its website on a new, modern technical platform. While admirable on its own, this upgrade has more importantly allowed the Commission to increase both the quality and quantity of resources available on the website for litigants who appear before the Commission, with particular emphasis on self-represented litigants.

While we continue to encourage everyone who has a matter before the Commission to obtain professional legal help from a licensed attorney, we have better described all of our procedures and processes here at the Commission in “plain language” to be easily understood by non-attorneys.

The Commission continued its “Lunch and Learn” Continuing Legal Education (“CLE”) Series for Illinois attorneys. During FY 2023, we hosted eight events with 652 attendees and provided 370 CLE hours to Illinois attorneys on topics pertaining to civil rights, employment, and housing law. We also were pleased to focus two of our Lunch and Learn presentations in support of our Diversity, Equity, Inclusion, and Accessibility Action Plan. These sessions were specifically approved by the Illinois Supreme Court Commission on Professionalism for “Diversity and Inclusion” credit for participating Illinois-licensed attorneys.

During FY 2023, the Commissioners and staff also participated in the Illinois State Fair and numerous other education and outreach events involving non-profit organizations and educational institutions, from elementary through law school, across the State of Illinois and virtually.

Details on these events and our Commission-led Lunch and Learns can be found on the next page.

# Human Rights Commission Fiscal Year 2023 Annual Report

## OUTREACH AND ENGAGEMENT EVENTS

**Bloomington – 2/23/2023:** Illinois Wesleyan University, Action Research Center, Overview of the Illinois Human Rights Act and IHRC, Commissioners Gordon and Kouri.

**Champaign – 3/30/2023:** Illinois State Bar Association Allerton Conference 2023: Technology and the Courts, The Use of Technology to Assist Disabled Lawyers, Parties, & Witnesses, Administrative Law Judge Akram with Brandy L. Johnson, Partner at Early & Miranda, P.C. and Michael Nowicki, Associate Attorney at Marshlian & Donahue, PLLC.

**Chicago – 6/25/2023:** Chicago Pride Parade.

**5/16/2023:** National Louis University, Overview of the Illinois Human Rights Act and the IHRC, Commissioners Barreno-Paschall and Glenn.

**4/27/2023:** Chicago Bar Association's Young Lawyers Section Diversity, Disability Diversity in the Legal Profession, Administrative Law Judge Akram.

**4/13/2023:** Chicago Bar Association, Young Lawyers Section, Government Services Career Fair, Commissioners Barreno-Paschall and Coulson.

**4/4/2023:** Loyola University Chicago School of Law, Overview of IHRC and the Illinois Human Rights Act, Commissioner Barreno-Paschall and Administrative Law Judge McGee.

**3/15/2023:** Harold Washington College, Overview of the Illinois Human Rights Act and IHRC, Commissioners Coulson and Glenn.

**3/1/2023:** DePaul University, School of Law, Overview of the Illinois Human Rights Act and IHRC, Commissioner Barreno-Paschall and General Counsel Larson.

**2/23/2023:** Chicago State University, Overview of the Illinois Human Rights Act and IHRC, Commissioner Glenn and Oral Bennett, Chief Litigation Attorney-Fair Housing, IDHR.

**2/16/2023:** Northeastern Illinois University, Overview of the Illinois Human Rights Acts and IHRC, Commissioners Barreno-Paschall and Glenn.

**2/8/2023:** University of Illinois at Chicago (UIC), Overview of the Illinois Human Rights Act and IHRC, Commissioner Barreno-Paschall.

**1/27/2023:** Office of State Senator Javier Cervantes, Winter Resource Fair, Commissioners Barreno-Paschall and Glenn.

**1/18/2023:** Loyola University Chicago, Overview of IHRC and the Illinois Human Rights Act, Commissioner Barreno-Paschall and Director Fleming.

**10/18/2022:** Women's Bar Association of Illinois, Disability Diversity in the Legal Profession, Administrative Law Judge Akram and Staff Attorney Rachel Weisberg of Equip for Equality.

**10/12/2022:** Roosevelt University, Overview of IHRC and the Illinois Human Rights Act, Commissioners Barreno-Paschall and Glenn.

**9/22/2022:** Harold Washington College, Social Justice Fair, Commissioners Barreno-Paschall, Cantone, Glenn, and Chair Noriega.

**8/30/2022:** Entregado en Español, Mexican Consulate's 2022 Labor Rights Week, IDHR and Commissioner Barreno-Paschall.

**8/20/2022:** Insight Hospital (Mercy), Community Resource Fair.

**Evanston – 11/9/2022:** Northwestern University, Overview of the Illinois Human Rights Act and HRC, Commissioners Coulson, Gordon, and Administrative Law Judge Borah.

**Jacksonville – 4/4/2023:** Illinois College, Department of History, Political History, Philosophy, and Religion, Overview of the Illinois Human Rights Act and IHRC Commissioner Gordon.

**Melrose Park – 1/19/2023:** Community Alliance of Melrose Park, Overview of the Illinois Human Rights Act and IHRC, Commissioner Barreno-Paschall.

**Normal – 9/21/2022:** Illinois State University, Overview of IHRC and the Illinois Human Rights Act, Commissioners Barreno-Paschall, Glenn, and Kouri.

**Peoria – 4/19/2023:** Bradley University, Pre-Law, Overview of the Illinois Human Rights Act and IHRC, Commissioner Kouri.

**Springfield – 5/20/2023:** Springfield PrideFest.

**4/19/2023:** North Park University, Student Law Association, Overview of Illinois Human Rights Act and IHRC, Commissioners Barreno-Paschall, Coulson, and Glenn.

**4/14/2023:** Lincoln Land Community College, Student Success Department, Overview of Illinois Human Rights Act and IHRC, Commissioner Gordon and Administrative Law Judge Robinson.

**8/14/2022:** Illinois State Fair.

**St. Charles – 9/22/2022:** Kane County Bar Association, Diversity Committee, Administrative Law Judge Akram.

**Virtual – 3/31/2023:** Earle Stem Elementary, Chicago Public Schools, Virtual Career Day Conference, Director Fleming.

**3/15/2023: March 15:** Lincoln Land Community College, Department of Social Science and Business, Overview of Illinois Human Rights Act and IHRC.

**2/28/2023:** Chicago Bar Association, Young Lawyers Section, Overview of the Illinois Human Rights Act and IHRC, Commissioner Barreno-Paschall.

**2/17/2023:** Dominican University, Government Career Panel, Commissioner Barreno-Paschall.

**2/9/2023:** Lawline, Diversity in the Legal Profession: Recruiting & Retaining Lawyers with Disabilities, Judge Akram.

**10/27/2022:** University of Illinois College of Law, Overview of the Illinois Human Rights Act and IHRC, Commissioners Barreno-Paschall and Kouri.

**10/26/2022:** The Deaf and Hard of Hearing Bar Association (DHHBA), How Legal Professionals Use Assistive Technology (or Reasonable Accommodations) in their Careers, Administrative Law Judge Akram and Taye Akinola, paralegal specialist in the Office of the General Counsel at the U.S. Securities & Exchange Commission.

**9/29/2022:** Eastern Illinois University, Overview of IHRC and the Illinois Human Rights Act, Commissioners Barreno-Paschall, Cantone, Coulson, Glenn, Gordon, and Kouri.

## LUNCH AND LEARNS

**6/12/2023 Presenter– Kristen Prinz, Founder and Managing Partner, The Prinz Law Firm**

*Topic – Conducting Internal Employee Complaint Investigations*

**5/17/2023 Presenter– Jody Bianchini Staff Attorney, Equip for Equality**

*Presenter– Cristina Kinsella, Staff Attorney, Equip for Equality*

*Topic – Introduction to Special Education Rights*

**4/19/2023 Presenter– Allison K. Bethel, Esq., Clinical Professor of Law, Director Fair Housing Legal Clinic, University of Illinois Chicago School of Law**

*Topic – 2023 Fair Housing Update*

**3/23/2023 Presenter– Rachel M. Arfa, Esq., Commissioner, Mayor's Office for People with Disabilities**

*Presenter– Brandy L. Johnson, Partner, Early & Miranda, P.C.*

*Presenter– Andrew Webb, Esq., Staff Attorney, Civil Rights Team, Equip for Equality*

*Moderator–The Hon. Azeema N. Akram, Administrative Law Judge, Illinois Human Rights Commission*

*Topic – Is Disability a Part of Diversity? Lawyers with Disabilities Respond*

**2/23/2023 Presenter– Mary Rosenberg, Senior Attorney for the Civil Rights Team Access Living of Metropolitan Chicago**

*Presenter– Maya Ziv-El, Fair Housing Staff Attorney, Prairie State Legal Services*

*Topic – Understanding the New Source of Income Protection: Illinois Fair Housing Update*

**1/25/2023 Presenter– Noah A. Frank, Associate General Counsel, Enlivant**

*Topic – The Bermuda Triangle: FMLA, ADA, and Workers' Comp - in 60 minutes*

**11/15/2022 Presenter– Natalie C. Chan, Senior Managing Associate, Sidley Austin**

*Topic – Diversity, Equity, and Inclusion in the Workplace: Growing Trends and Legal Considerations*

**10/25/2022 Presenter– Michael K. Chropowicz, Senior Associate, Michael Best & Friedrich LLP**

*Topic – Are My Remote Employees Covered by the FMLA? Adjusting to the New Normal*

**NOTE:** Titles and affiliations of participants were accurate at the time of these events.

# by the numbers – the year in review

The numbers below provide some framing for the work of the Commission in FY 2023. They do not tell the entirety of the story of the work of the Commissioners or staff.

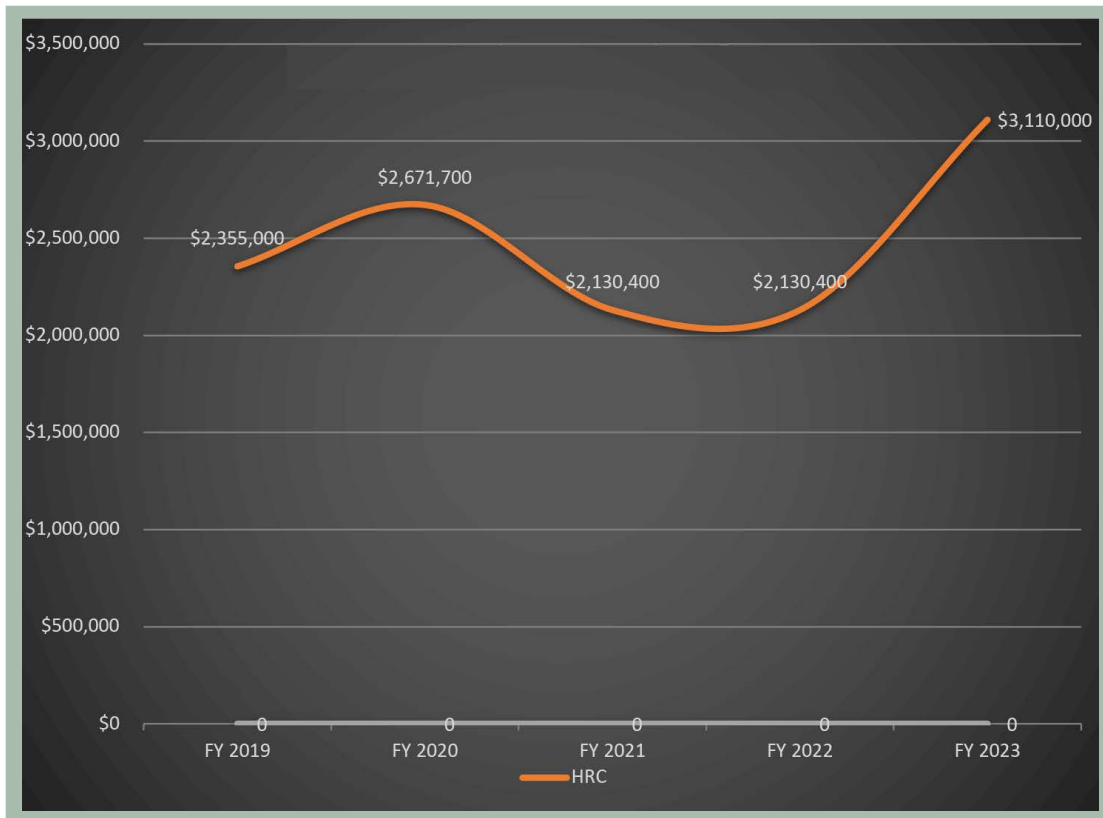
| Description                                                                                                                                              | FY 2023  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Complaints Filed through the Department                                                                                                                  | 84       |
| Complaints filed by Complainants                                                                                                                         | 21       |
| Total Cases Received (inclusive of (1) Requests for Review; (2) Defaults directly from the Department; and (3) Settlements directly from the Department) | 351      |
| Total Cases closed/disposed                                                                                                                              | 483      |
| In-person office visits*                                                                                                                                 | 311      |
| Phone inquiries                                                                                                                                          | 1,453    |
| “Lunch and Learns” Continuing Legal Education Presentations                                                                                              | 8        |
| Lunch and Learn participants                                                                                                                             | 652      |
| En Banc and Panel Meetings                                                                                                                               | 30       |
| Illinois Appellate Court decisions affirming Commission actions**                                                                                        | 15 of 16 |

## NOTES

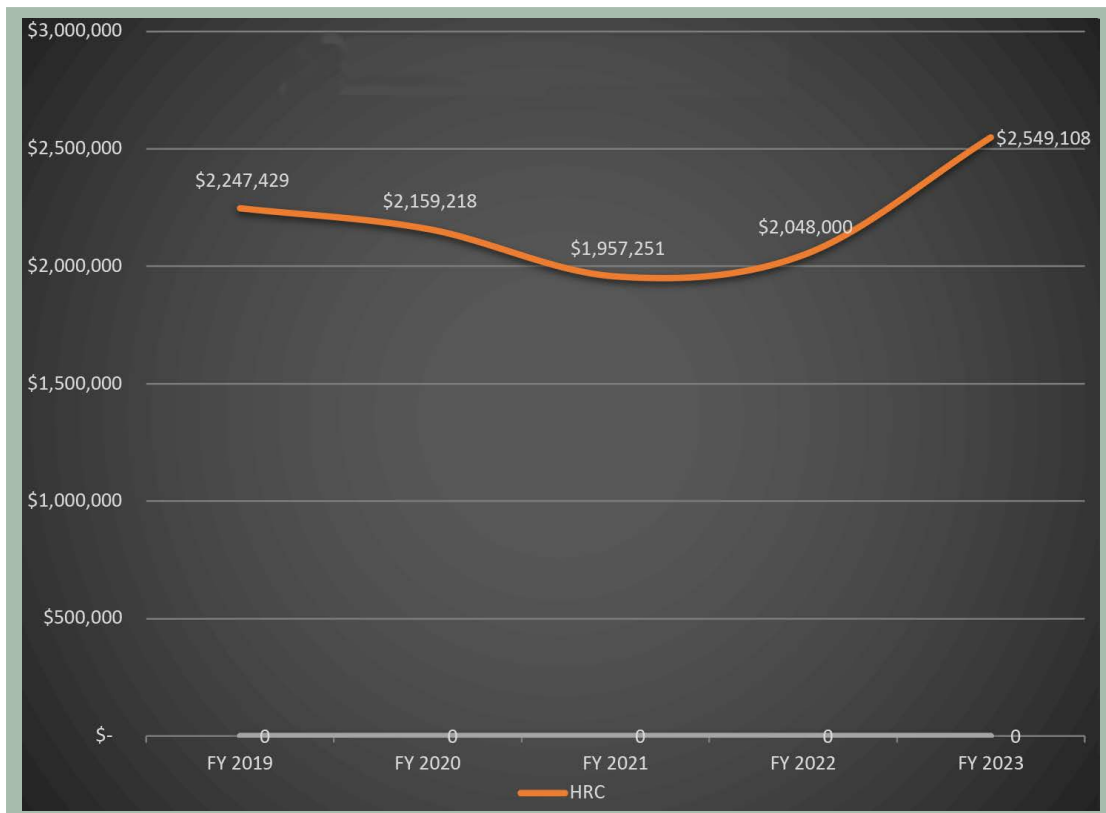
\*Office visits reflect instances where individuals visited the Commission offices in Chicago or Springfield on business relating to a specific matter pending or potentially to be filed with the Commission. Multiple visits may be associated with a single matter before the Commission.

\*\*The Illinois Appellate Court remanded one case to the Commission for further proceedings.

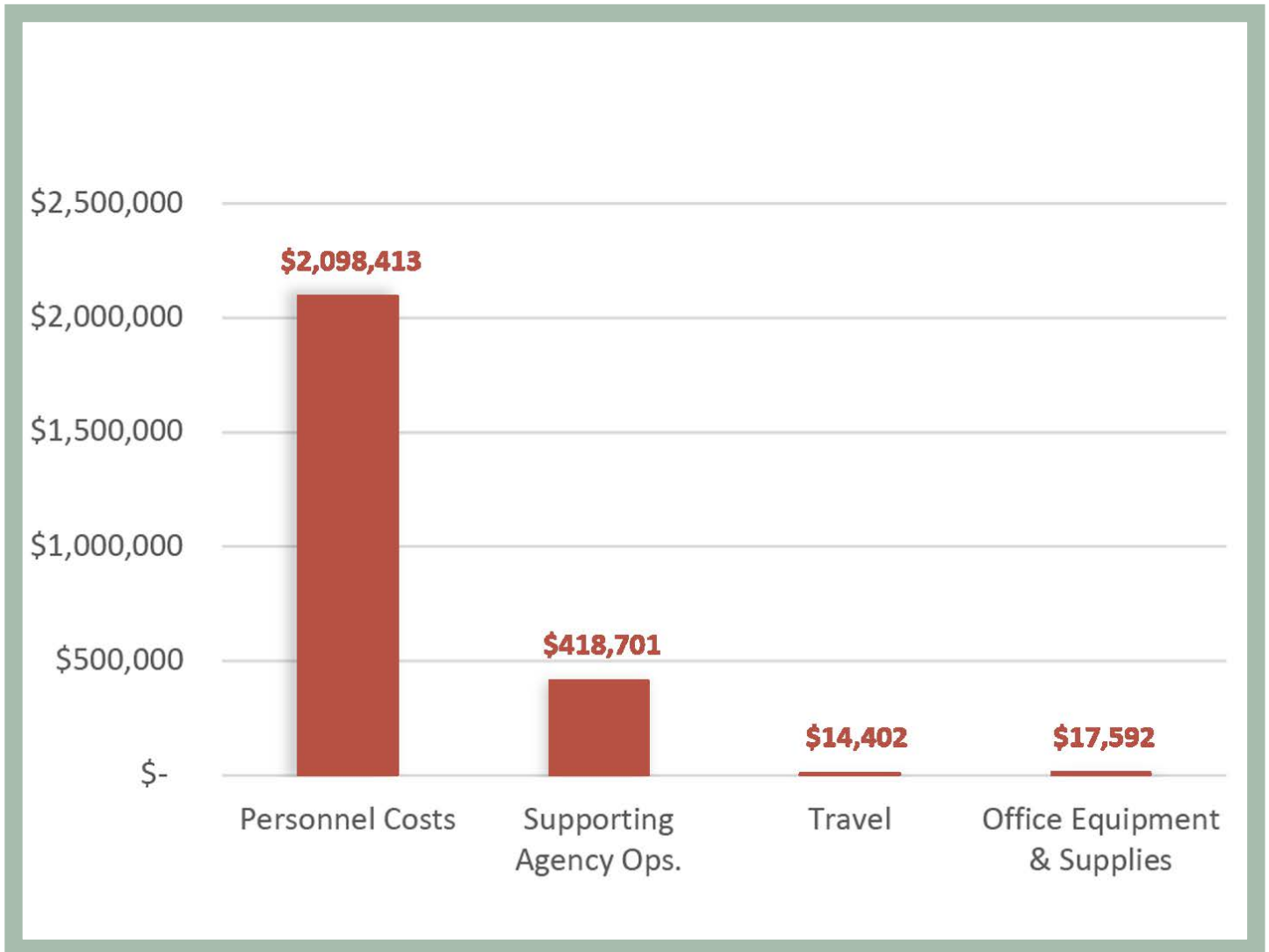
### APPROPRIATIONS BY FISCAL YEAR



### EXPENSES BY FISCAL YEAR



### FY 2023 EXPENDITURES BY TYPE



## what's next? a preview of fiscal year 2024

The operational improvements of the past several years have positioned the Commission to embark on several novel (but mission-critical) initiatives in FY 2024 and future fiscal years.

First among these initiatives is our implementation of an enhanced program of outreach and engagement that builds on the substantial work of our Commissioners already engaged in educating students in colleges and law schools about the Illinois Human Rights Act and the work of the Commission. This additional work will involve agency staff and our Commissioners and will focus on highlighting the capabilities and value of the Commission to the legal community across Illinois.

Second, for the past two years, the Commission has worked diligently to identify and articulate the operational requirements and technical specifications for an e-filing system that will improve the overall efficiency of the Commission's quasi-judicial functions. We strongly believe that a modern e-filing system can deliver numerous advantages to attorneys, litigants, and the Commission itself. During the reporting period, the Commission added staff experienced in deploying such a product within State government, and the Commission expects FY 2024 to be a critical year in furtherance of this priority both financially and operationally.

The addition of website resources for self-represented litigants—and the increased attention to “plain language” in our publications during the past fiscal year—was noted earlier in this report. Legally, the Commission is required to hold self-represented litigants to the same standards as practicing attorneys. However—and recognizing our role as a neutral forum—this population, who constitute a substantial share of the parties appearing in cases before the Commission, is at a disadvantage without professional legal representation. We are aggressively engaged in identifying ways to provide access to additional low cost and pro bono legal aid resources for self-represented litigants while maintaining our impartiality as to the specifics of any particular matters before us.

Staffing continues to be a challenge for government, broadly and specifically as it pertains to the Commission. While the Commission has reaped the benefit of the services and dedication of many long-term State employees, we have not been immune to changes in the overall work environment. More than 40% of Commission staff positions have turned over in the past three years with more than 20% of Commission staff eligible to retire as of September 2023. The Commission will continue to strategically add capacity to ensure the good management of our docket and support our Commissioners in their duties.

Finally, with the addition of resources within the ALS—and with the continued timely management of our Request for Review docket—we are now positioned to make the case to all constituencies that the Commission is a viable and advantageous forum for litigating all discrimination complaints arising under the Act, and the Commission is prepared to make this case to the legal community and, as necessary, the Illinois General Assembly.

## commissioners and commission staff\*

To read biographical information on our Commissioners and Senior Staff, please visit the new HRC website at <https://hrc.illinois.gov>

### Chair and Commissioners

The Hon. Mona Noriega, Chair and Commissioner<sup>+</sup>  
The Hon. Barbara R. Barreno-Paschall, Vice Chair and Commissioner<sup>+</sup>  
The Hon. Jacqueline Y. Collins, Commissioner  
The Hon. Elizabeth A. Coulson, Commissioner  
The Hon. Janice M. Glenn, Commissioner  
The Hon. Demoya R. Gordon, Commissioner<sup>+</sup>  
The Hon. Stephen A. Kouri II, Commissioner

<sup>+</sup> *Pending Senate Confirmation*

### Former Commissioners and Staff

The Hon. Robert A. Cantone ♦  
Evelio Mora, Assistant General Counsel ◀  
Taylor P. Pierson, Office Specialist II ◀  
Erica Seyburn, Assistant General Counsel and Ethics Officer ◀  
Jessica Torres, Office Associate SS2 ◀

\* As of December 1, 2023

♦ Former Commissioner

◀ Former Staff

<https://hrc.illinois.gov>

### Commission Staff

Tracey B. Fleming, Executive Director  
David R. Larson, General Counsel and Ethics Officer  
Claudia P. Ortega, Chief Financial and Human Resources Officer  
The Hon. Brian Weinthal, Chief Administrative Law Judge  
The Hon. Azeema N. Akram, Administrative Law Judge  
Adrian J. Atwater, Assistant General Counsel  
Shantelle Baker, Administrative Assistant I  
The Hon. William Borah, Administrative Law Judge  
LaNade Bridges, Private Secretary  
Graciela Delgado, Administrative Assistant I  
Jose Galvez, Office Administrator III  
Bricia Herrera, Administrative Assistant I  
Denise Hutton, Executive Assistant III  
Samantha Judd, Administrative Assistant II  
Bonnie Kim, Assistant General Counsel  
The Hon. Kathleen A. McGee, Administrative Law Judge  
The Hon. Jennifer S. Nolen, Administrative Law Judge  
The Hon. Michael R. Robinson, Administrative Law Judge  
Christine Welninski, Administrative Assistant I

# Illinois Torture Inquiry and Relief Commission

555 W. Monroe St., Ste. 600-S

Chicago, IL 60661

(312) 814-1094 phone

<https://tirc.illinois.gov>

# 2023 Annual Report

Interim Executive Director Aryn Evans

# Torture Inquiry & Relief Commission Fiscal Year 2023 Annual Report

## STATE OF ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION HISTORY

The Illinois Torture Inquiry and Relief Commission ("TIRC") was created by statute in 2009 to address the problem of coerced confessions by the Chicago Police Department related to former Chicago Police Commander Jon Burge. The General Assembly was responding to the fact that a number of people convicted in that era were later exonerated, and certain claims of torture, disregarded at the time of conviction, had been shown to be true.

The Commission is an eight-member panel of volunteer commissioners appointed by the Governor. TIRC staff attorneys investigate claims of torture and make a recommendation to the Commission at bi-monthly meetings as to whether there is sufficient credible evidence of torture to merit judicial review. The Commission, which is not bound by the staff's recommendation, ultimately votes on whether or not to refer the claim of torture to Cook County Circuit Court, or to deny the claim. Five affirmative votes are required to refer a claim to court for further judicial review, and a minimum of four negative votes are required to deny it.

If the Commission finds that a claim is sufficiently credible to merit judicial review, the claim is referred to the Circuit Court of Cook County where a judge is assigned to determine whether the convicted person's confession was coerced. This enables convicted persons to get appropriate relief if they were convicted due to a confession that was obtained by torture – even if their appeals and regular post-conviction proceedings would otherwise be exhausted. If a judge rules that a confession was coerced, that judge can order a new trial, at which the prosecution must prove the defendant's guilt without use of the coerced confession.

TIRC is an investigatory body empowered to conduct inquiries into claims of torture and prepare written reports outlining its investigations and recommendations to the trial court at the completion of each inquiry. When the Commission was first established, organizational and funding deficiencies delayed its initial activities. The Governor's Office appointed the first Commissioners in late 2010, but the Commission lost funding in 2012 and 2013. Without funding or an adequate number of staff, the Commission nevertheless adopted initial administrative rules and began reviewing claims, obtaining documents, and recruiting the assistance of *pro bono* counsel.

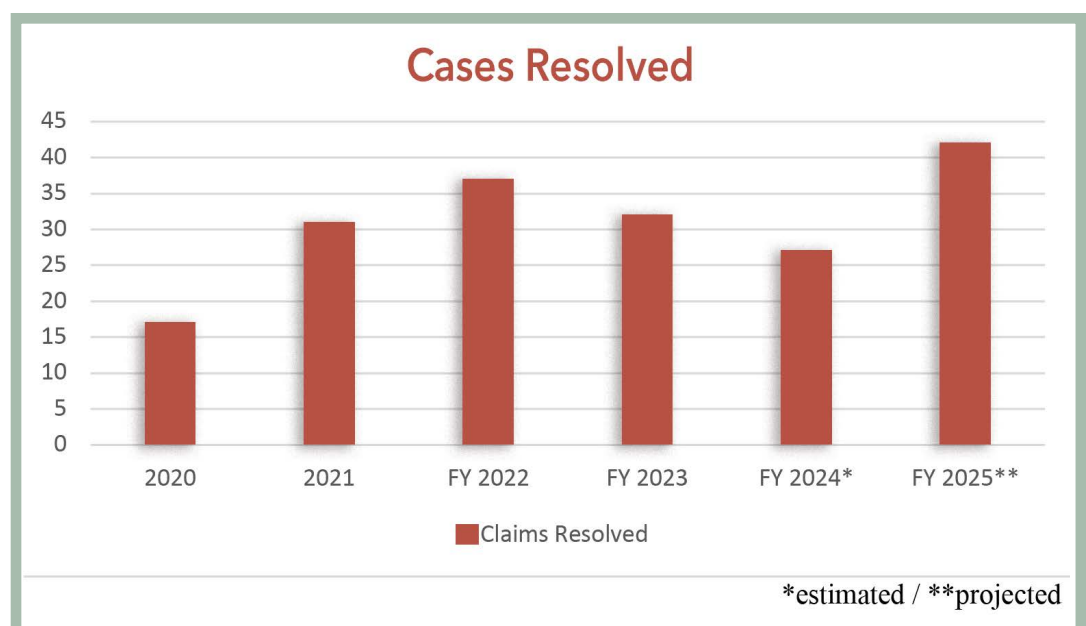
With minimal funding restored in late 2013 the Commission was able to hire a new Executive Director, Barry Miller, and a staff attorney, Rob Olmstead, who began work in January 2014. Executive Director Barry Miller resigned at the end of July 2015 and Staff Attorney Rob Olmstead acted as Interim Executive Director until his formal hiring as Executive Director in January 2016.

In 2016, the legislature expanded TIRC's jurisdiction (through the passage of Public Act 99-688) by removing the requirement that claims involve Jon Burge and his subordinates to allow any claims occurring in Cook County and extending the deadline to file a claim through August 10, 2019. As a result, the Commission experienced an avalanche of new claims and went from having approximately 80 pending torture claims to more than 600 torture claims. As of November 1, 2022, the Commission had 454 total pending claims to investigate. As of November 1, 2023, that number has been reduced to 418 total pending claims.

### INVESTIGATION & STAFFING

The investigation of each torture claim is an intensive process that currently takes commission staff attorneys an average of 355 days to complete. Among other things, attorneys review thousands of pages of court records, serve and monitor subpoenas for additional records, review hundreds of pages of police records, conduct interviews of claimants and witnesses, and review medical records and consult medical experts as appropriate.

In 2020, following the murder of George Floyd by a Minneapolis police officer, large protests were held throughout all 50 U.S. states and internationally in what *The New York Times* described as "the largest protests in the United States since the Civil Rights era." The subject of police brutality (especially against black people) dominated headlines. That year, TIRC received a surge of interest from *pro bono* attorneys who volunteered to investigate torture claims for the Commission; As a result, in 2021-2022 TIRC experienced a dramatic increase in the number of cases resolved as many of those *pro bono* attorneys completed their respective investigations. TIRC continues to receive significant assistance from *pro bono* attorneys, and is also dedicated to hiring additional staff attorneys to investigate the backlog of claims as efficiently and thoroughly as possible.



### In FY 2023, TIRC:

- lost its longtime Commission Chair, Hon. Kathleen Pantle, due to her resignation
- hired a new General Counsel, Jennifer Crespo (which had been vacant for over a year)
- hired and onboarded 2 new Case Attorneys
- hired and onboarded a new Administrative Assistant, LaWanna Carter, to replace TIRC's longtime Administrative Assistant after her departure in FY 2023
- sought and received additional funding for FY 2024 to hire additional staff and began hiring sequences for attorney positions supported by those funds

## TORTURE CASES & RECENT DEVELOPMENTS

### In FY 2023, TIRC:

- filed through the Attorney General's Office and was granted a Petition to Intervene in the matters of *People v. Daniels* and *People v. Murray*, and subsequently filed through the Attorney General's Office its Oppositions to the People's Motion to Dismiss the referrals of torture claimants Devon Daniels (96 CR 9385) and Kevin Murray (88 CR 2309).
- filed through the Attorney General's Office its amicus brief with the Illinois Supreme Court in the matter of Darrell Fair (No. 128373), a case that concerns the scope and nature of proceedings in a case referred by the Commission to a court, the standard a court uses to adjudicate referred torture claims, and the remedies available to an applicant in such a proceeding.
- filed through the Attorney General's Office its amicus brief with the Illinois First District Appellate Court in the matter of Abdul Malik Muhammad (No. 1-22-0372), a case about the authority of the TIRC to address claims of confessions coerced by police torture as intended by the Illinois General Assembly.
- developed TIRC's first in-house intern program, in collaboration with the Illinois Department of Central Management Services (CMS).
- resolved dozens of cases, including the following representative cases:
  - ❖ **Ramiro Cervantes:** Cervantes, who is disabled from the chest down, was denied medical treatment for a pressure sore and forced to dangerously sit in his own waste without a diaper change for at least 25 hours of interrogation, was not allowed to leave his wheelchair, and was denied food and sleep for nearly 48 hours in police custody. The Commission referred his claim for judicial review.

- ❖ **Sylvester Henderson & Calvin Trice:** Henderson alleged that police detectives tortured him into confessing to killing a police officer, while subjecting him to racist taunts and threats. Henderson, who was 19 at the time, alleged that detectives held him out of a third-floor window at the station and threatened to drop him to the ground below if he didn't confess. He had also consistently alleged that he was beaten, pinched, his testicles were squeezed, and they threatened his life. The Commission also investigated the separate torture claim of his co-defendant, Calvin Trice, who alleged similar threats and physical abuse by the same detectives to coerce a confession. The Commission referred both claims for judicial review.
- ❖ **Edward Walker:** Walker alleged that when he was in a Memphis hospital with a gunshot wound to the leg, Chicago Police Detectives coerced his incriminating statement in the hospital room by pressing on his wounds. Before trial, Walker raised other potential grounds for why the statement should be suppressed but did not assert any formal torture claims until he submitted a complaint to TIRC more than 30 years later. Moreover, Walker had significant credibility issues, including the admitted use of a false identity, and several inconsistencies between the two investigative interviews conducted by TIRC. The Commission denied the claim, finding insufficient credible evidence to merit judicial review.

TIRC has referred a total of 67 claims to court for further proceedings and denied 142 claims. Another 77 claims or attempted claims were withdrawn by claimants or were administratively dismissed due to being filed late or other jurisdictional bars. Of the 67 claimants that TIRC has referred to court for further proceedings, 9 have had charges dropped and at least 5 have received Certificates of Innocence.

## LOOKING FORWARD

TIRC has already experienced additional changes in FY 2024, including the resignation of its longtime Executive Director, Rob Olmstead. On August 16, 2023, the Commission appointed Aryn Evans to serve as Interim Executive Director, who had worked for the Commission since 2020 as Supervising Attorney/Pro Bono Liaison. In FY 2025, it will remain a priority for TIRC to assist the Governor's office in identifying potential candidates for its Chair vacancy. TIRC also continues to encourage the appointment of a Public Member Commissioner to the current vacancy as well as appointments for the vacant Alternate Chairperson position and Alternate Public Member position.

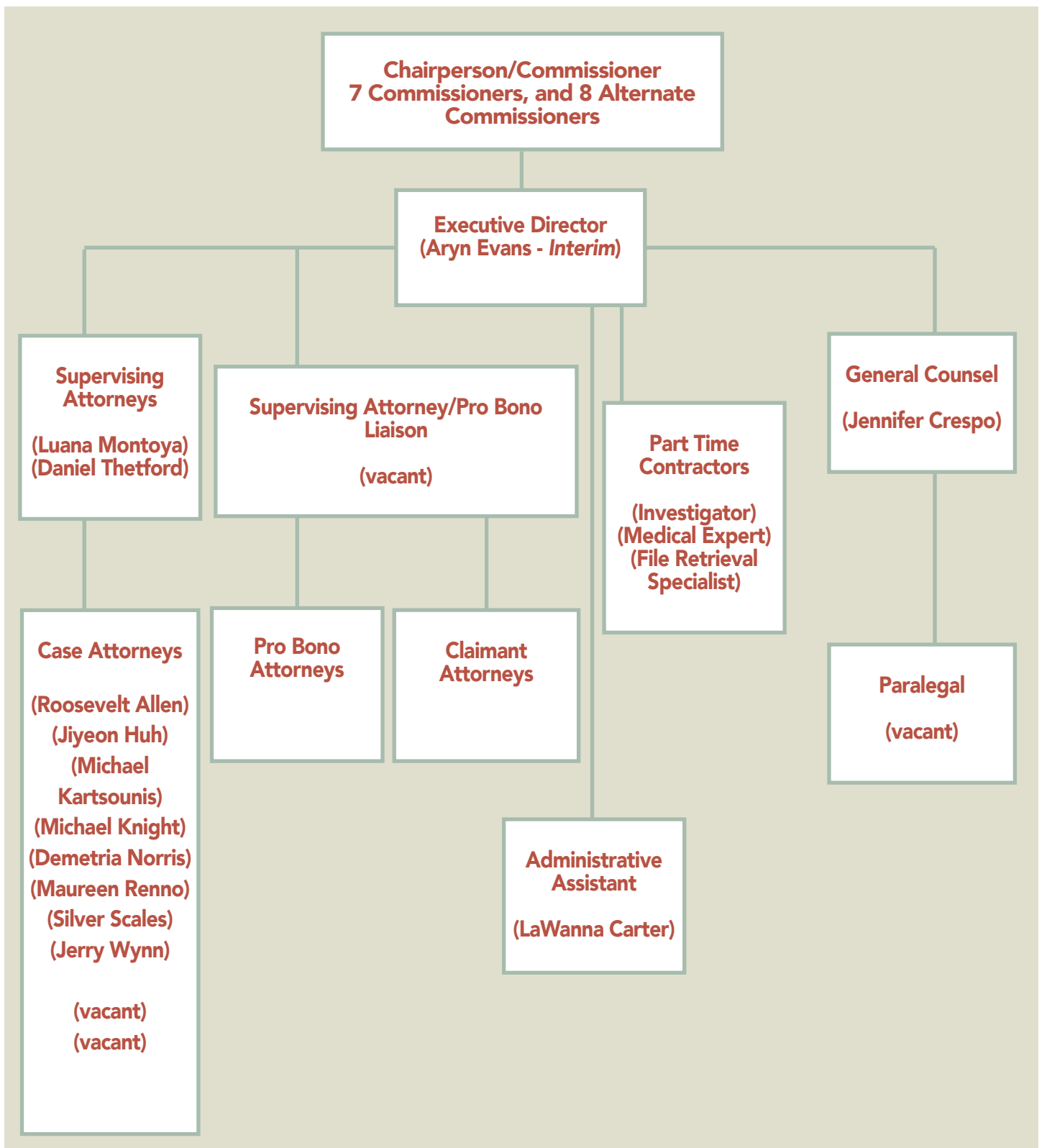
## TIRC COMMISSIONERS

(as of Nov 2023)

|                               | <i>Primary Commissioner</i>    | <i>Alternate Commissioner</i> |
|-------------------------------|--------------------------------|-------------------------------|
| <i>Chairperson</i>            | (vacant)                       | (vacant)                      |
| <i>Former Prosecutor</i>      | Steven Block                   | Bennett Kaplan                |
| <i>Former Public Defender</i> | Johanes Maliza                 | Natasha Robinson              |
| <i>Practicing Attorney</i>    | Erica Zunkel                   | Daniel Fenske                 |
| <i>Law Professor</i>          | Vanessa Del Valle              | Sheila Bedi                   |
| <i>Public Member</i>          | Linnet Burden                  | Autry Phillips                |
| <i>Public Member</i>          | Yanajah Kafi Moragne-Patterson | Brian Richardson              |
| <i>Public Member</i>          | (vacant)                       | (vacant)                      |

# Torture Inquiry & Relief Commission Fiscal Year 2023 Annual Report

## STATE OF ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION





# Illinois Human Rights Commission

<https://hrc.illinois.gov>

## Chicago

160 North LaSalle Street,  
Suite N-1000  
Chicago, Illinois 60601  
312-814-6269 phone

## Springfield

300 West Jefferson Street,  
Suite 108  
Springfield, Illinois 62702  
217-785-4350 phone

TTY/TDD Line 866-832-2298

**REQUESTS FOR REASONABLE ACCOMMODATIONS:** Services at the Illinois Human Rights Commission are accessible to and usable by persons with disabilities in compliance with the Illinois Human Rights Act. A person with a disability needing an accommodation to participate in any Commission activities should contact the Commission Disability Access Coordinator at 312-814-6269 or (TTY) 217-557-1500 or at [HRC.NEWS@illinois.gov](mailto:HRC.NEWS@illinois.gov). The Commission requires five (5) business days to review any reasonable accommodation.