



**STATE OF ILLINOIS  
TORTURE INQUIRY AND RELIEF COMMISSION SPECIAL MEETING  
September 11, 2018, 2:00 p.m.**

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

MINUTES

**PRESENT:**

Commissioners Present

Chairwoman Cheryl Starks  
Commissioner Robert Loeb  
Commissioner Marilyn Baldwin  
Commissioner Steven Miller  
Commissioner James Mullenix  
Commissioner Marcie Thorp (via speakerphone)

Staff on dais

Rob Olmstead (Executive Director)  
Michelle Jenkins (Staff Attorney)

Staff in Audience:

DeAndrea Brown (Administrative Assistant)

**I. Call to Order/Members Present**

On September 11, 2018, at 2:00 p.m., Chairwoman Starks opened the meeting with a vote to allow Commissioner Thorp to attend the meeting via telephone. Commissioner Loeb motioned. Commissioner Mullenix seconded. The motion was approved by unanimous voice vote to allow Commissioner Thorp to attend the meeting via telephone. The meeting of the Illinois Torture Inquiry and Relief Commission (TIRC or Commission) was called to order. A quorum was established consisting of the following: Commissioners Starks, Loeb, Baldwin, Miller, Mullenix, and Thorp (via telephone).

## **II. Approval of Minutes**

Chairwoman Starks called for a motion to approve the draft minutes of the July 18, 2018, regular meeting and closed session minutes. A motion was made by Commissioner Miller and seconded by Commissioner Mullenix to approve the minutes as written. The minutes were unanimously approved on voice vote.

## **IV. Claims**

### **1) Hersey, John (2014.245-H)**

Executive Director Rob Olmstead introduced the pro-bono legal team from the law firm of K & L Gates, which investigated and analyzed this case. Cliff Histed and Travis Campbell from K & L Gates presented an outline and history of the claim.

Campbell summarized that Hersey alleges that Detective James Boylan beat and choked him while he was handcuffed in the back seat of the police car during the drive to police station. Hersey alleges that Detective Boylan continued to beat and choke him during the time at the Area Two police station because he refused to sign a confessional statement that was pre-written by Boylan. While there is some evidence of limited weight that Hersey told family, friends, and post-conviction counsel that he had been tortured, there is insufficient credible evidence of torture for referral. There was no physical evidence (including photographs) or any claim by Hersey of torture in the pre-trial or trial stages. Hersey's trial counsel did draft a motion to suppress, but did not file it. Campbell stated that allegations of torture do not appear in the record until eighteen years later after Hersey was arrested. The pro-bono legal team recommended that this case be dismissed for the lack of credible evidence of torture.

Chairwoman Starks opened the floor for discussion. Commissioner Mullenix asked counsel to clarify if the drafted motion to suppress mentioned any allegations of torture. Campbell clarified that it did not. He noted that the motion to suppress was drafted by an intern of Hersey's trial attorney and that he did have a chance to speak to her. Campbell mentioned that the intern seemed to be very knowledgeable about Hersey's case and stated that Hersey never mentioned any allegations of torture to her. Chairwoman Starks asked counsel to explain their conclusion that Hersey's co-defendants did not make any allegations of torture. Campbell stated that they reviewed the hearing transcripts and saw that co-defendants did not allege any torture. Commissioner Miller commented that from his experience as a prosecutor, he knows that Richard Kling (Hersey's trial attorney) is a very tenacious person and thinks that he would've been very attentive to the torture allegations if Hersey had mentioned them to him. Mullenix agreed and commented that he thought it was persuasive that the then-intern remembers so much about Hersey's case because it was one of the first cases she had worked on. Chairwoman Starks agreed with Mullenix.

Chairwoman Starks thanked K & L Gates for their hard work. Olmstead stated that notifications to victim family members were sent out. None were present. Mr. Hersey's mother was present, but out of the room, so Commissioners took up other cases until she could return.

### **2) Bennett, Gracie (2018.586-B)**

Executive Director Rob Olmstead informed Commissioners that Ms. Bennett allegations of torture are unclear but according to IDOC profile, Ms. Bennett was convicted in Vermillion County. Olmstead recommends this claim be summarily dismissed for a lack of Jurisdiction of the Commission as required by the TIRC Act.

Chairwoman Starks called for a vote to summarily dismiss case for a lack of jurisdiction. Commissioner Mullenix motioned. Miller seconded. Commissioners unanimously voted in favor of summarily dismissing the claim.

**3) Stinnett, Keith (2016.424-S)**

Executive Director Olmstead informed Commissioners that a letter was sent to Mr. Stinnett notifying him that his claim would be recommended for dismissal. Mr. Stinnett called Olmstead to inform him that he was ill and unable to attend the meeting. Olmstead noted that Mr. Stinnett is out of custody and he requested that he be able to address the Commissioners at the next meeting.

Commissioners agreed to table the claim until the next meeting for a vote to allow Keith Stinnett a chance to address Commissioners.

**1) Hersey, John (2014.245-H) (resumed)**

Hersey's mother spoke, informing Commissioners of how much Hersey has made changes for the better while incarcerated and that she was ready for him to come home. Chairwoman Starks thanked Hersey's mother for the information and clarified that the Commissioners were not a parole board but were there to determine whether or not there was enough credible evidence of torture to recommend Hersey's claim to court for judicial review.

Chairwoman Starks asked if there were any more comments. There were none. Chairwoman Starks called for a vote to dismiss case for a lack of credible evidence of torture. Commissioners unanimously voted in favor of dismissing the claim.

**III. Chief Financial Officer's Report**

Due to the CFO's absence, no financial report was given.

**III. Executive Director's Report**

Executive Director, Rob Olmstead reported that since the last meeting, additional budgetary funds provided by the legislature had been put to use with the contract agreement for part-time paralegal work retrieving and scanning court files at the Cook County Circuit Court Clerk's Office. Olmstead reminded Commissioners of the tedious and difficult process it can be to obtain court files, particularly the older files often need for TIRC. Files are often kept in different locations, different formats and retrieving them can be labor-intensive process. Olmstead believes that TIRC staff had arrived at a possible solution by hiring Bill Marino, a former

employee of the Clerk's Office with vast knowledge of the Clerk's Office and its staff. Olmstead informed the Commission that Central Management Services (CMS) gave final approval to post a job position for another attorney to help speed the disposition of cases and potentially obtain grant funds for more staff. Olmstead stated that an advertisement for the attorney position will begin running with the Chicago Bar Association and on the State of Illinois' hiring website on September 12, 2018 for two weeks, after which applications will be narrowed down for interviews. Olmstead noted that he will conduct interviews and select a candidate with the approval of Chair. He also mentioned that the process had been slowed down due to the new hiring protocols put in place by the state of Illinois and a court monitor. Olmstead informed Commissioners that a new state law requires CMS approval before posting any position not headquartered in Springfield. TIRC received that approval a week prior and immediately moved forward with the job posting. Olmstead stated that he should have more to report on the job posting at the November TIRC meeting.

Olmstead informed Commissioners that he and Chairwoman Starks met in July with State Senator Heather Steans for general networking purposes to discuss caseloads and Commission history. Olmstead thanked the Senator for her time and attention.

Olmstead brought to the commission's attention two matters to solicit suggestions and feedback. Olmstead stated that the first topic concerns TIRC's need for volunteer attorneys to advise claimants. Olmstead stated that TIRC currently have several cases ready for investigation however; there is a bottleneck while the staff searches for volunteers to represent claimants. Olmstead informs Commissioners that he began the process of investigating what it would take to use state funds to pay a nominal fee for hiring attorneys to advise claimants as he believes it would be easier to recruit attorneys. Olmstead informed Commissioners that in past experiences, attorneys would sign up to advise claimants only to later find that they were unable to participate. Olmstead stated that on some occasions, attorneys have agreed to take a case and then stopped corresponding altogether. Olmstead informed Commissioners that TIRC staff had recently sent out dozens of letters to defense bar organizations and attorneys and had been successful with landing just one attorney to advise a claimant. Olmstead asked for Commissioners input on this topic.

The second topic that Olmstead asked Commissioners for input on is the Herculean task of finding someone to replace Chairwoman Starks. Olmstead stated that, after December, Judge Starks will have served two full terms plus an additional partial term, disqualifying her from further service to the Commission. Olmstead informed Commissioners that he has a list of recently retired judges and intends to start reaching out to them to possibly fill that position. He noted that Commissioner and Chairman positions are unpaid and the chair must be a retired Circuit Court Judge. Olmstead implored Commissioners to contact him with suggestions on who to approach to recruit or to engage in recruiting efforts on their own. Olmstead reminded commissioners that with only three and half months left in a year, there was not much time left to recruit and get them appointed by the governor's office. Olmstead stated that an 8<sup>th</sup> primary commissioner should be appointed before the next meeting. Olmstead welcomed Commissioners thoughts, comments or suggestions.

Commissioners Loeb mentioned that he could provide a list of retired Judges for recruitment. Chairwoman Starks clarified that the list was already obtained and needed names of specific judges likely to serve to whom she could reach out to for recruitment.

Olmstead asked Commissioners to take out calendars to discuss possible dates for an additional meeting in December. Olmstead stated that after discussions with pro bono counsel, it is likely that TIRC staff could have as many as nine cases ready for votes by the end of the year. Olmstead suggested that it would probably be best to break the cases up into two meetings. Olmstead stated that a meeting in December was typically held to try to fit in as many cases annually as possible and hoped to do the same this year.

Commissioners looked at their calendars and discussed possible dates. Commissioners agreed to schedule an additional meeting for December 18, 2018.

#### **V. Public Comment**

Chair Starks inquired whether there were any members of the public who wished to address the Commission. Attendee Martin Preib asked why was the meeting date changed to a Tuesday from its usual Wednesday. Olmstead stated that there were some conflicts in commissioner schedules that required the change. Chairwoman Starks asked if there were any more comments and questions. There were none.

#### **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 November 14, 2018.