

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

Meeting of the Torture Inquiry and Relief Commission

August 23, 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)
Rob Warden

Absent Commissioners

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

Staff

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

Attendees

Human Rights Commission

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

Members of the Public:

Armanda Schackelford
Jeanette Plummer
Anabel Perez
Mary Vasquez
Helen Charity

Glaydes Daniel
James H. Daniel, Sr.
Cathy McMillan
Harold Winston
Mary L. Johnson
Donald Goldhamer
Mark Clements
Harriet Parker

NOTICE:

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

I. Call to Order

On August 23, 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, Toppel, Wilson and Zopp. Prior to the meeting, Commissioners Green, Toppel, 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 August 23, 2011 meeting.

II. Consideration of the Minutes

June 20, 2011

The TIRC voted to approve the minutes of the June 20, 2011, meeting as submitted. Motion to approve the minutes made by Commissioner Warden and seconded by Commissioner Cavise. Motion carried 6-0. Chairman Holmes announced the minutes will be published on the website.

III. 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 3:14 p.m. in order to discuss internal personnel and future investigation matters. Motion made by Commissioner Coyne, seconded by Commissioner Cavise. Motion carried 6-0.

At 3:51p.m. the open meeting resumed.

Chairman Holmes informs that the TIRC budget for FY 2012 (FY 2012 runs from July 1, 2011, through June 30, 2012) has been significantly cut from \$600,000 to \$150,000. Chairman Holmes stated that, due to the budget cuts, the hiring of the Staff Attorney has been delayed. Chairman Holmes stated that she understands the urgency in getting the Commission up and running but wanted to emphasize the obstacle the Commission currently faces. Chairman Holmes told the members of the public that they can contact their State Representatives and/or State Senators and express their concerns. Commissioner Warden informed the Commission that he will excuse himself from the meeting at 4:00 p.m. but will return to the meeting.

IV. Short Term Goals

Report on status of Rules

Executive Director David Thomas stated that the second notice period for the Rules has been completed with JCAR (Joint Committee on Administrative Rules). The final version of the adopted TIRC Rules has been sent to the Secretary of State's Office for publication. Executive Director Thomas indicated that the Rules will become effective as soon as the Secretary of State's Office receives the Rules, which will be before the end of the week.

Executive Director Thomas stated the TIRC can now begin securing the Waiver that is required by statute. The procedure will be administered by recent law school graduates who have volunteered to represent claimants *pro bono* through The Justice Council at Northwestern University. A training session has been scheduled for September 7, 2011 in order to brief the volunteers on the waiver process. Due to the budget cuts, Executive Director Thomas informed the Commissioners about the possibility of doing a video conferencing procedure through the Illinois Department of Corrections to obtain the signed waiver form from claimants. The video conferencing procedure will expedite the process of obtaining the signed Waiver Form. A short conversation ensued on how the waiver process will be administered.

Report on status of Webpage

Executive Director Thomas stated that the TIRC's private secretary, Rosa Martinez, has been working with CMS in getting the website set up. The new TIRC website should be live by the end of the week. Executive Director Thomas requested a short biography from the Commissioners at their earliest convenience to post on the TIRC website. A short conversation ensued on clarifying the language used in the home page of the TIRC website.

Report on Pending Claims

Executive Director David Thomas stated that as of August 23, 2011, TIRC has filed approximately 70 claims. The great majority of claims filed involve detectives who worked under Jon Burge. The TIRC is currently developing a database of names and techniques used by these detectives to determine evidence of a pattern and practice to use in the course of the TIRC investigations. Commissioner Cavise inquired when and how the Commission will review the claims being filed. Executive Director Thomas replied that after the investigation is complete, a report with a recommendation will be distributed to each Commissioner for their review before the meeting at which the Commission will vote on the recommendation. Executive Director Thomas also stated that subpoenas have been served on the Clerk of the Circuit Court, the State's Attorney's Office, and the Public Defender's Office for the files of every claimant. There was a discussion regarding the priority that will be given to investigations once files are received for each of the claimants. In accordance with the statute, claims will be given investigative priority if the convicted person is currently incarcerated solely in connection with a case as to which he claims having been tortured by Jon Burge and/or detectives under his command.

Report on Amicus Brief Procedure

Executive Director David Thomas informed the Commission that it has the authority to file an *amicus* brief in an appropriate case, and he outlined the procedure for doing so. It was decided that due to the budget constraints the Commission will not pursue filing an *amicus* brief for the time being.

V. Long Term Goals

A. Ethics Training for Board Appointees

Executive Director David Thomas reminded the Commissioners that the Acknowledgement of Ethics Training for Appointees to the State of Illinois Boards needs to be signed and returned, if they have not already done so. 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 Thomas. The signed Acknowledgement will cover the period from July 1, 2011 through June 30, 2012. Chairman Holmes stated that a penalty is associated with failing to submit the signed form.

B. Deciding future meeting dates

Executive Director David Thomas presented a tentative meeting schedule. A short conversation ensued on what time of day would be best for everyone.

The Calendar of proposed meeting dates for the TIRC in 2012 is as follows:

- February 7, 2012 at 3:00 p.m.
- April 3, 2012 at 3:00 p.m.
- June 5, 2012 at 3:00 p. m.
- August 7, 2012 at 3:00 p.m.
- October 2, 2012 at 3:00 p.m.
- December 4, 2012 at 3:00 p.m.

VI. New Business

A. Discussion of Op-Ed

Executive Director David Thomas stated that an Op-ed submission to the Chicago Tribune had been prepared in response to the August 18, 2011 editorial regarding the Burge scandal. Commissioner Coyne stated the Op-ed should be carefully examined before it is published and the Commission should remain neutral. A lengthy conversation ensued on the proper protocol when submitting editorials to the media. Donyelle Gray, Acting General Counsel from Human Rights Commission, stated that the general protocol is to advise Commissioners to not submit editorials under their name as Commissioners act as a component of the State. It was decided that Donyelle Gray will provide Chairman Holmes with more information on the protocol that needs to be followed when submitting editorials.

B. Discussion of Establishment of Committees

Chairman Holmes stated that the Commission is now functional to the point where it would be helpful to have Committees. Chairman Holmes proposed the following Committees: Governance and Ethics; Employment, Personnel, and Budget; and Rules, Publications, and Public Relations. A conversation ensued on the responsibilities and duties each Committee would have. Chairman Holmes stated she will be contacting each Commissioner to discuss which Committee they would like to participate in.

VII. Statements from the Public

Attorney Harold Winston, from the Cook County Public Defender's Office, expressed his gratitude to the Commission for modifying the TIRC Rules regarding the scope of the waiver of rights from claimants required by statute. However, Mr. Winston expressed his concern that the waiver should only apply to the claim of torture. Executive Director David Thomas stated the modified waiver requirement tracks the TIRC statute.

Mr. Mark Clements expressed his concern regarding the current TIRC budget cuts. Chairman Holmes stated the Commission is addressing the current budget cuts.

Ms. Mary Vasquez inquired regarding the approximate length of time the investigations are expected to take. Executive Director David Thomas stated there is no way to tell because each case is different. He also stated that the TIRC will accept any documents pertaining to the claimant at the TIRC office. A short conversation ensued on what information will be available to the public regarding an investigation. Executive Director Thomas advised that the TIRC Rules provide that the investigations are to remain confidential until the Commission votes upon the disposition of a case.

Armanda Schackelford, the parent of a claimant, expressed urgency in receiving assistance for her son. Chairman Holmes informed Ms. Schackelford that the Commission will do everything it can to review the cases as soon as possible, and referred again to the difficulties imposed by the current TIRC budget constraints.

Jeanette Plummer, the parent of a claimant, discussed her son's situation. Chairman Holmes informed Ms. Plummer that, once the investigations have begun, the Commission can review the information in an appropriate setting.

VIII. TIRC Calendar of remaining Meetings for 2011

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

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

IX. Adjournment

The meeting was adjourned at 5:12 p.m. Motion made by Commissioner Coyne and seconded by Commissioner Roldan. Motion carried 6-0.

Respectfully submitted,

Patricia Brown Holmes, Chairman
Torture Inquiry and Relief Commission