

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Dale Anderson

TIRC No.: 2014.251-A
(Relates to 89-CF-783)
(St. Clair County Circuit Court)

SUMMARY DISMISSAL

Pursuant to section 40(a) of the Illinois Torture Inquiry and Relief Act (“TIRC Act”, 775 ILCS 40/40(a))¹, the Commission hereby summarily dismisses this Claim for the reasons that follow.

1. Dale Anderson, hereinafter “Claimant”, submitted a claim form to the Commission on approximately March 26, 2014. Claimant alleged Jon Burge, State Police and others forced him to confess to the murders of Jolaine Lanman and Kenneth Lanman.² Claimant alleged he’d been beaten, kicked and denied sleep, medical treatment, food and water during his interrogation.
2. The Lanman murders took place in Belleville, Illinois, approximately 300 miles from Chicago. Claimant was convicted of the murders in St. Clair County.³
3. Claimant alleged he’d been beaten and framed for the crimes of which he was convicted. Claimant alleged he was harassed by police because of his role as a witness to a mass kidnapping scheme.
4. Claimant’s initial claim form was returned to him for being improperly filled out. TIRC wrote Claimant in April 2014 with further instructions on how to fill out the TIRC Claim Form. After some correspondence between TIRC and Claimant, enough information was gathered to substantiate the semblance of a claim and a TIRC claim number was assigned.
5. Section (5) of the TIRC Act defines a “claim of torture” as a claim by a convicted person “asserting that he was tortured into confessing to the crime for which the person was convicted and the tortured confession was used to obtain the conviction.” For a “claim of torture” to exist before the Commission under the TIRC Act, there must be “some credible evidence related to allegations of torture occurring within a county of more than 3,000,000 inhabitants.”⁴

¹ As amended by *Public Act 99-0688*, July 29, 2016.

² See Dale Anderson Claim Form.

³ See IDOC Internet Inmate Status reflecting county of conviction.

⁴ Id.

6. Prior to the enactment of P.A. 99-0688 (S.B. 392) on July 29, 2016, the TIRC Act required that claims present credible evidence that the related allegations of torture have been committed by former Chicago Police Commander Jon Burge or any officer under supervision of Jon Burge.⁵
7. Section 40/40(a) of the TIRC Act provides in pertinent part, “the determination of whether to grant a formal inquiry regarding any other claim of torture is in the discretion of the Commission. The Commission may informally screen and dismiss a case summarily at its discretion.” Additionally, the Illinois Administrative Code, 2 Ill. Adm. 3500. 360(c), adds “if after completion of its informal inquiry, the Director finds that there appears to be no reasonable possibility that the claim is credible, the Director shall recommend to the Commission that the claim be summarily dismissed.”
8. Prior to the enactment of P.A. 99-688, The court in *People v. Allen*, 2016 IL App. (1st) 142125, 51 N.E. 3d 1047, resolved ambiguity as it pertained to the Commission’s jurisdiction over non-Burge claims. The court explained the “rather extraordinary [effect of] naming of a specific living person [being] strongly probative of a specific legislative intent. Equally important is the Act’s direction that Commission recommendations are filed with the chief judge of the circuit court of Cook County, which perforce eliminates claims from petitioners convicted in counties other than Cook from the Commission’s purview, and further supports the conclusion that the Act should be narrowly constructed to apply only to a specific set of cases, and not to allegations of police misconduct in general.”⁶

ANALYSIS

Claimant, Dale Anderson, presents an incredible claim that is plainly outside the jurisdiction of the Commission. Claimant’s allegations are derivative of a crime and subsequent conviction occurring outside of Cook County. Further, Claimant fails to present any credible evidence affirming the involvement of Jon Burge or his subsidiaries in the purported torture. The precedent and procedure set by the TIRC Act, Illinois Administrative Rules, and case law provide the Commission the capability to summarily dismiss Claimant’s claim on the basis of its lack of credibility and the Commission’s lack of jurisdiction.

Credibility

In his claim, Claimant suggested his participation as a State witness in an unrelated kidnapping case led to his having been targeted by St. Clair County police. However, Claimant

⁵ P.A. 96-223§ 5, eff. Aug. 10, 2009.

⁶ *People v. Allen*, 2016 IL App. (1st) 142125, 51 N.E.3d 1047, 1051, 402 Ill. Dec. 295.

does not provide a case number or other verifiable details of his participation as a witness. Claimant also alleged Commander Burge participated in torturing him on September 29th, 1989 in St. Clair County. The veracity of Claimant's suggestion that Jon Burge participated in his alleged torture is challenged by the fact that Jon Burge was a Commander in Chicago's Area 3 Detective Division in 1989.⁷ These contradictions coupled with Claimant's failure to offer any documentation to support his claims severely harms Claimant's credibility. The Commission concludes that Anderson's claims of Burge's involvement in his interrogation are not supported by any evidence other than his unsubstantiated statements and are therefore not credible.

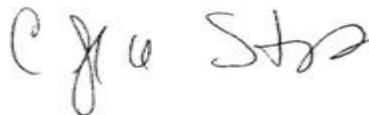
Jurisdiction

Neither Claimant's torture nor his conviction occurred in Cook County or any county of 3,000,000 inhabitants or more. In addition, there is no evidence suggesting Jon Burge or any of his subordinates were involved in the Claimant's alleged torture. Given these facts, the claim falls outside of the jurisdictional restrictions established by either P.A. 96-223§ 5, eff. Aug. 10, 2009 (as clarified in *Allen*); or Public Act 99-0688, eff. July 29, 2016.

Even if Burge had participated in his alleged torture, the adjudication of the conviction in St. Clair County removes this case from the Commission's jurisdiction. *See extensive statutory analysis in In re Claim of Ernest Hubbard*, 2014-242-H, (decided Sept. 21, 2016). The Commission concluded in that determination that the *Allen* court's ruling that TIRC has no jurisdiction over convictions of courts outside Cook County was unaffected by the July 29, 2016, amendments of P.A. 99-688.

CONCLUSION

The Commission finds that Mr. Anderson's claim does not meet the definition of "claim of torture" as it occurs in Section 5(1) of the TIRC Act before or after the enactment of Public Act 99-0688. Therefore, the Commission is without jurisdiction to consider his claim. The Commission summarily dismisses Mr. Anderson's claim and instructs its Executive Director to notify Mr. Anderson of the dismissal and his rights to judicial review under the Illinois Administrative Review Law.



Dated: September 21, 2016

Cheryl Starks, Chair
Illinois Torture Inquiry and Relief Commission

⁷ *See U.S. v. Burge*, 08-846, Government Exhibit 6d, "Summary of Jon Burge's Assignments."