

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

Meeting of the Torture Inquiry and Relief Commission

June 5, 2012

3:00 p.m.

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

MINUTES

PRESENT:

Commissioners

Chairman Cheryl Starks
Doris Green (Alternate)
Hipolito Roldan
Marcie Thorp (Alternate)
Neil Toppel
Rob Warden

Absent Commissioners

Leonard Cavise

Staff

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

Attendees

Human Rights Commission

Ewa Ewa, Chief Fiscal Officer
Donyelle Gray, General Counsel
Evelio Mora, Assistant General Counsel

Members of the Public:

Linda Flores
Mary Leukam
Emily Coffey
Mike Elliott
Rami Fakhouri
Anjali Julka
Mike Claffey
Bernard Nussbaum

Armanda Shackelford
Bertha Escamilla
Jeanette Plummer
Mary Johnson
Mark Clements
Ben Brady
Cathy McMillan

NOTICE:

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

I. Call to Order

On June 5, 2012, at 3:00 p.m., Chair Cheryl Starks 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 Cavise. Prior to the meeting, Commissioner Cavise gave notice (and “good cause” as defined by the Illinois Open Meetings Act) to the Executive Director David Thomas he would be unable to attend the June 5, 2012 meeting.

II. Consideration of the Minutes

April 3, 2012

The TIRC voted to approve the minutes of the April 3, 2012, meeting as submitted. Motion to approve the minutes made by Commissioner Toppel and seconded by Commissioner Warden. Motion carried 6-0. Chairman Starks announced the minutes of the public portion of the meeting will be published on the website.

III. Short Term Goals

Funding

Dr. Ewa states TIRC was initially funded in FY 2010 for \$600,000. The funds were not utilized as TIRC was not operational. In fiscal year 2011, \$150,000 was funded for the TIRC to employ an Executive Director and an Administrative Assistant. A Staff Attorney was not employed as funds were insufficient. In FY 2012, TIRC requested a budget of

\$235,000 to accommodate the hiring of a Staff Attorney, the current staff and other resources. Dr. Ewa reports that State Legislature was not able to provide funding for FY2012 (FY 2012 runs from July 2012 – June 2013). On June 30, 2012 the TIRC will cease to operate due to no funds being allocated for the Commission. Chairman Starks reports that \$150,000 budget for fiscal year FY 2011 (FY 2011 runs from July 1, 2011, through June 30, 2012) covers the total operating expenses, including salaries of two employees, rent, printing cost and other expenses. The budget requested of \$235,000 for Fiscal Year 2013 (July 1, 2012, through June 30, 2013) was to hire a Staff Attorney. The TIRC cannot operate without any funds. The TIRC Committee continues to exist however with no funds allocated it cannot employ any staff. Commissioners do not receive any compensation for services with the TIRC.

Executive Director David Thomas stated a meeting will be scheduled with *Pro Bono* law firms to discuss a protocol to wrap up the current investigations. Executive Director will provide the Commission with a report after the meeting is held with the *Pro Bono* law firms. Executive Director David Thomas stated he will concentrate in filing any Decisions that might result from the recommendations that will be disposed off during the Commission meeting.

Vacancies

Commissioner Starks stated there was no need to discuss vacancies that need to fill as the Commission will not be operational.

IV. Long Term Goals

OMA Training

Executive Director David Thomas reports all Commissioners are required to complete online Open Meeting Act (OMA) training by the end of calendar year. Chairman Starks suggested discussing the OMA training with General Counsel to identify whether the training needed to be completed as the TIRC will no longer be operational.

Commissioner Roldan inquires whether TIRC can continue operating with public funds. Executive Director states the Commission is not a 501(c)3 organization, therefore funds donated to the TIRC will not receive a tax deduction for contributions. The TIRC statute allows the Commission the explicit authority to raise funds and obtain donations from other sources. Executive Director David Thomas reports the possibility of generating private funds for the TIRC to continue operating will be extremely difficult. The Commission will only continue to receive State funding through the end of June 2012.

V. New Business

A. Open floor to statements from the public

Mr. Mark Clements, inquires what are the possibilities the Commission can continue being operational and how effective the Commission can be without any funding. Chairman Starks states the TIRC has been conducting business on limited funds. The Commission cannot function without any funding as staff and other resources are needed.

Mr. Mike Elliott, from Chicago Alliance Against Racism and Political Repression, states there are about (23) twenty three innocent victims that remain incarcerated that have been tortured by Jon Burge and/or his subordinates. The TIRC is the only hope available to victims of torture. Chairman Starks states the Commission will continue looking at other avenues to receive funding. Mr. Elliott inquires whether a court injunction can be filed to prevent the TIRC from being defunded. Chairman Starks states that is up to the court.

Ms. Jeanette Plummer, states her son is a torture victim and has been incarcerated (21) twenty one years. TIRC is the last resort for Ms. Plummer's son. Ms. Plummer expresses being upset the TIRC has been defunded. Chairman Starks thanks Ms. Plummer for attending the meeting.

Ms. Armanda Schakelford, mother of a claimant, expressed being upset that TIRC has been defunded. Chairman Starks reiterates the Commission will continue exploring other avenues to find a solution that can possibly fund TIRC.

Ms. Linda Flores, mother of a claimant, states her son has been incarcerated for (25) twenty five years. Ms. Flores states being upset that funds for the Commission were not allocated.

Ms. Mary L. Johnson, states being concerned with the current generation being exposed to the injustice occurring.

Ms. Bertha Escamilla, inquires whether the State Legislature have to demonstrate why there will not be any funding allocated for the TIRC. Chairman Starks states the public can inquire with State Legislatures where funds are being allocated.

Chairman Starks thanks the public for attending the meeting.

VI. Executive Session

Pursuant to the Open Meetings Act (5ILCS 120/2(c) (1)), the Commissioners voted to close a portion of the meeting at 3:32 p.m. in order to discuss recommendations that are to remain confidential, as appropriate pursuant to the statute.

At 4:37 p.m. the open meeting resumed.

Chairman Starks states the Commission discussed recommendations that are to remain confidential, as appropriate pursuant to the statute. Chairman Stark's states the Commission will be disposing on the final action of the recommendations presented.

VII. Claim Disposition

George Anderson Claim No. 2011.016-A

Executive Director Thomas has recommended in writing that Mr. Anderson's Claim be found credible and be referred for judicial review and appropriate relief. The Commissioners voted on the Recommendation. In a unanimous vote, the Commissioners found the claim of George Anderson to be credible, and referred the case to the Chief Judge for judicial review and appropriate relief.

John Knight Claim No. 2011.005-K

Executive Director Thomas has recommended in writing that Mr. Knight's claim be found not credible. The Commissioners voted on the recommendation. In a unanimous vote, the Commissioners did not find credible evidence of torture in the Claim of John Knight.

Shawn Whirl Claim No. 2011.015-W

Executive Director Thomas has recommended in writing that Mr. Whirl's Claim be found credible and be referred for judicial review and appropriate relief. The Commissioners voted on the Recommendation. In a unanimous vote, the Commissioners found the claim of Shawn Whirl to be credible, and referred the case to the Chief Judge for judicial review and appropriate relief.

David Randle Claim No. 2011.006-R

Executive Director Thomas has recommended in writing that Mr. Randle's Claim be found credible and be referred for judicial review and appropriate relief. The Commissioners voted on the Recommendation. In a unanimous vote, the Commissioners found the claim of David Randle to be credible, and referred the case to the Chief Judge for judicial review and appropriate relief.

Darryl Christian Claim No. 2011.004-C

Executive Director Thomas has recommended in writing that Mr. Christian's Claim be found credible and be referred for judicial review and appropriate relief. The Commissioners voted on the Recommendation. In a vote of five (5) to one (1), Commissioner Thorp dissenting, the Commissioners found the Claim of Darryl Christian

to be credible, and referred the case to the Chief Judge for judicial review and appropriate relief.

Gerald Reed Claim No. 2011.030-R

Executive Director Thomas has recommended in writing that Mr. Reed's Claim be found credible and be referred for judicial review and appropriate relief. The Commissioners voted on the Recommendation. In a unanimous vote, the Commissioners found the claim of Gerald Reed to be credible, and referred the case to the Chief Judge for judicial review and appropriate relief.

Lindsey Anderson Claim No. 2011.002-A

Executive Director Thomas has recommended in writing that Mr. Anderson's claim be found not credible. The Commissioners voted on the recommendation. In a unanimous vote, the Commissioners did not find credible evidence of torture in the Claim of Lindsey Anderson.

William Ephraim Claim No. 2011.012-E

Executive Director Thomas has recommended in writing that Mr. Ephraim's claim be found not credible. The Commissioners voted on the recommendation. In a unanimous vote, the Commissioners did not find credible evidence of torture in the Claim of William Ephraim.

Raymond Washington Claim No. 2011.003-W

Executive Director Thomas has recommended in writing that Mr. Washington's claim be dismissed as the TIRC has no jurisdiction because it does not qualify as a "claim of torture". Chairman Starks states Mr. Washington's confession was not used at trial therefore the TIRC does not have jurisdiction. The Commissioners voted on the Recommendation. In a unanimous vote, the Commissioners found that TIRC did not have any jurisdiction in the claim of Raymond Washington.

Chairman Starks states the following cases will be disposed of at the end of the month. Chairman Starks reiterates TIRC will no longer be operational due to budget cuts. Chairman Starks thanks the public and the Commissioners for their work. Commissioner Warden and Chairman Starks thank the law firms that provided *Pro Bono* services to assist TIRC.

VII. Adjournment

The meeting was adjourned at 4:55 p.m. Motion made by Commissioner Toppel with a second by Commissioner Warden. Motion carried 6-0.

Respectfully submitted,

Cheryl Starks, Chair
Torture Inquiry and Relief Commission