# EN BANC MINUTE SHEET OPEN SESSION- December 19, 2024

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on December 19, 2024, at the 9:00 a.m. session to discuss and deliberate parole eligibility for the following individuals in custody:

R40503 Bakr, Jamal* (Youthful Parole)
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The meeting was called to order by Kenneth Tupy, Board Member.

Roll call was taken by Recording Secretary Amy Sexton.

<u>MEMBER</u>	PRESENT	ABSENT
Mr. Jared Bohland	X	
Mr. Matthew Coates	X	
Mr. William Delgado	X	
Ms. Julie Globokar	X	
Ms. Darryldean Goff		X
Mr. Jeffrey Grubbs	X	
Mr. Rodger Heaton	X	
Ms. Robin Shoffner		X
Ms. Carmen Terrones	X	
Ms. Krystal Tison	X	
Mr. Kenneth Tupy	X	

9 Members Present

2 Members Absent

The Board heard the case of Jamal Bakr R40503.

MINUTES FOR APPROVAL for 11-21-2024: CONTINUED

Open Session: COATES- DELGADO

Meeting was adjourned by: DELGADO-TERRONES

Leave.

# **EN BANC MINUTE SHEET OPEN SESSION- December 19, 2024**

Individual in Custody's Name: Jamal Bakr\* IDOC Number: R40503

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on July 25, 2024, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Cesar Orejel R43830.

Members present were Mr. Bohland, Mr. Coates, Mr. Delgado, Ms. Globokar, Mr. Grubbs, Mr. Heaton, Ms. Terrones, Ms. Tison, and Mr. Tupy.

Recording Secretary: Amy Sexton.

# PRESENTATION OF INTERVIEW AND FILE

The basis for the Board's decision, at this time, is as follows:

# PRESENTATION OF INTERVIEW AND FILE

On November 19, 2024, Jamal Bakr was interviewed by Board Member Julie Globokar via WebEx at Illinois River Correctional Center. The interview began at 9am and lasted for approximately three and a half hours. Also present were his two attorneys, Steven Drizin of Northwestern University School of Law's Bluhm Legal Clinic, and Marissa Jackson of the Illinois Prison Project. Also speaking on Mr. Bakr's behalf were his wife, Donna; Cook County State's Attorney Kimberly Foxx; the director of the Prison Education Program of Lewis University, Dr. Michelle Clifton; the Assistant Warden of Stateville Correctional Center, Dr. Kenneth Osborne; and the CEO and founder of the Firehouse Community Arts Center, Pastor Phil Jackson.

Mr. Bakr is 41 years old and has been incarcerated for approximately 23 years. He turned 18 approximately three days before he committed the offenses of murder with intent and aggravated battery with a firearm on October 20, 2001.

During the interview, Mr. Bakr demonstrated a notable sensitivity to perspectives other than his own, he frequently took the initiative to present multiple viewpoints in response to questions, even where those viewpoints may not always align with his own interests. He continually took accountability for his past actions and voiced sensitivity to the experiences of his victims' family. When providing context for past transgressions, he was careful to clarify that it was in no way to diminish the magnitude of the harms he has perpetrated. He demonstrated visible emotion when discussing the harm that was caused by his offense and when speaking of his relationships with his loved ones.

# STATEMENT OF FACTS

In the early morning hours of October 20<sup>th</sup>, 2001, a number of individuals gathered at a Dunkin Donuts after police had cleared a nearby area of drag racing. At the time, Mr. Bakr was affiliated with

the Almighty Latin Saints. He and his friends had recently been the target of a shooting in which Mr. Bakr himself was injured. They came to believe that the group outside of Dunkin Donuts was affiliated with those who had perpetrated the shooting and decided to seek revenge. They retrieved a gun from a friend's house and drove back to the location, where one of Mr. Bakr's friends exited the van to serve as lookout. When he signaled that the coast was clear, Mr. Bakr exited the van and fired at least three shots into the crowd, killing sixteen-year-old Daniel Ortiz and wounding Daniel's brother, Elmerceto Rivera.

At least three of Mr. Bakr's co-defendants pled guilty to 2<sup>nd</sup> degree murder and received sentences ranging from 10 to 12 years. Mr. Bakr was originally convicted by a jury and sentenced to 25 years for the murder with a consecutive 25-year firearm enhancement, and 10 years for the aggravated battery with a firearm, for a total 60-year sentence.

He filed an unsuccessful appeal in 2007 on procedural matters. Further postconviction proceedings were initiated in 2019 and resolved with an agreement in January 2023 for a sentence of 24.5 years at 100% for the murder and 10 years at 85% for the aggravated battery with a firearm. Per the resentencing transcript, these sentences were statutorily required to be consecutive, amounting to a total sentence of 33 years in custody. If not granted release by this Board, his projected release date is in September 2034.

Mr. Bakr's initial 2019 filing, made by counsel other than those who currently represent him, included a number of constitutional claims as well as an innocence claim. As Mr. Bakr does take full responsibility for his offense, and there is no prior record of an innocence claim, this matter was explored at length in the interview. Mr. Bakr and his counsel described the legal challenges inherent to having any post-conviction claim considered so long after trial and noted that in light of the rapid flux of legislation and case law surrounding youthful sentencing at that time, the innocence claim was likely a legal strategy crafted to get the matter before the courts for reconsideration, rather than an earnest denial of responsibility for the offense.

Mr. Bakr has a standing elemency petition that was presented to a panel of this Board in January 2024. The Board's recommendations are confidential by law, and there has not yet been any known action by the Governor.

# **CRIMINAL HISTORY**

As the present offense occurred just three days after Mr. Bakr's 18<sup>th</sup> birthday, he has no other adult record. Any juvenile record will be discussed in closed session.

#### INSTITUTIONAL ADJUSTMENT

Mr. Bakr and his two siblings were born to a family of Mexican and Palestinian descent. His parents separated when he was only two years old. Substance abuse and physical abuse and an array of other dysfunctions were present in the home. Mr. Bakr's mom abandoned he and his sisters for a year when he was 10 years old. He and his siblings sustained on their own for a month before being taken in by other relatives. He experienced both verbal and physical abuse from several members of his family, and witnessed the women in his family being punched, choked, dragged by their hair, and sexually

propositioned by relatives. He was also exposed to significant community violence. He witnessed his first murder when he was five years old and another shooting at age 12. He experienced harassment by local gangs before ultimately joining the Saints, to which his uncle belonged. An ACES assessment placed Mr. Bakr among the 0.1% of individuals who experienced the greatest level of childhood adversity. Mr. Bakr has been in continuous custody since 2001, and in IDOC custody since 2005, having served time in NRC, Menard, Stateville, and most recently, Illinois River. Mr. Bakr has received tickets for 9 incidents within IDOC, most of them major; however, he has not had a ticket in more than ten years, since September of 2014. His tickets include those for contraband, fighting, gang or unauthorized organizational activity, and conspiracy/assaulting any person. The conspiracy/assault ticket in 2008 resulted in 1 year of segregation, as did a ticket for electronic contraband and giving false information to an employee (for using a cell phone and then denying it) in 2014. Over the years he had a total of 120 days of good conduct credit revoked, although he has since had those days restored in their entirety. Regarding education, Mr. Bakr has an impressive number of accomplishments beginning around 2015, including more than a dozen certificates from Set Free Ministries/Emmaus Correspondence School, participation in DePaul's Inside-Out prison program and Northeastern Illinois University's Prison Neighborhood Arts Project (PNAP) program and participation in a grief and loss program. In 2022, he obtained his Master of Arts in Christian Ministry from North Park University with a 4.0 GPA. The program director ranked him in the top 2% of students in her 15 years of experience and recommended him for a PhD program. Twenty-two students in his cohort of 27 nominated him to provide the keynote address at graduation, and he received a Theology Award for a paper he wrote. He has published some poetry and a scholarly paper.

An IDOC memo reported that Mr. Bakr held various assignments from 2013-2018 and due to his positive performance was moved to a recycler position, which he still held in 2022 while also working as an instructor for North Park. In Spring of 2023 he successfully completed a "tutoring writing" course with North Park. He has taught undergraduate courses to students both in the institution, and those on campus via the internet.

Documentation in his master file supports that he would have earned more than 6 years of good time by now, had he been eligible.

Mr. Bakr was selected as the first-ever mentor for a pilot peer mentoring program in which he assisted with a younger individual in custody who had been spending a lot of time in segregation. His attorney indicated Mr. Bakr was often contacted by the warden to assist with issues. He was selected by Stateville administration to be one of ten members to serve on Offender Council. The assistant warden of programs has presented him with certificates for commendable work and positive role modeling within the institution.

An assessment by IDOC indicated him to be low risk. His petition also contains the analysis of two experts – Mary Daley, a mitigation specialist who highlighted Mr. Bakr's significant hardships as a youth and his accomplishments behind bars, and Dr. Garbarino, whose work frequently appears before this Board regarding trauma and youth development. In his interview, he presented with deep self-reflection, insight, and layered analyses of his crime, his experiences behind bars, and his aspirations after release.

# STATEMENTS AS TO THE OFFENSE

Mr. Bakr has studied and engaged in restorative practices, and reported experiencing tension in doing so while his attorneys advanced a legal strategy that included an innocence claim that he knew could cause additional stress for the surviving victim and victims' family. He stated that he quickly initiated the offer to drop the innocence claim and other legal arguments in exchange for a resentencing, as it was never his desire to drag the victims' family through additional proceedings, nor to escape punishment for his actions. Rather, he simply wanted an opportunity for his sentence to reflect the man that he has become since his initial sentencing.

In the hearing, when prompted, he gave his full account of the day of the offense, including his actions that resulted in the death of Daniel Ortiz and the wounding of Daniel's brother, consistent with the statement of facts as previously recited. He was transparent that it had taken him some time to set aside some of the contextual factors that led him to the offense to embrace his full accountability. He understands his actions irreparably tore the fabric of not only the victims' family, but also the broader community. He now carries, and does not try to escape, the burdens of the harm that he caused. Mr. Bakr recently participated in a "Healing Beyond Harm" program that culminated in the writing an apology to the victims' family. These apologies are not sent to victims; rather, they are archived in an "apology bank" that can be accessed if the victims choose to seek them out. Mr. Bakr excluded this letter of apology from his petition on the basis that it was not written for his personal benefit, and he did not want to abuse it as such. Similarly, we discussed at length the complexity of apologies in forums such as this hearing, as no matter how heartfelt they may be, they might be construed as motivated by the pursuit of personal gain or as placing some kind of expectation for forgiveness on those who have already been deeply harmed. Presenting such messages in forums such as this also, to some extent, strips victims of their agency to determine whether they desire, or are prepared, to receive such as message. As he wanted to retain it as a confidential offering to the victim's family should they choose to receive it, this Board has not seen the letter. If the victim's family is watching and would like to access the apology, they can reach out to our office or to the State's Attorney's Office for assistance in how to do so.

# **PAROLE PLANS**

Mr. Bakr has a robust support system awaiting his release, including relatives, fellow students, and professors, pastors, and other community leaders. His petition included approximately 40 letters of support. An offender overview completed by IDOC made note of his frequent visits – sometimes many per week – with friends and family. Many members of his support system were documented in attendance at Clemency, where 4 people gave testimony on his behalf and another 24 were counted to be in attendance. In the record for resentencing, at least seven individuals were on the record as speaking on his behalf.

Mr. Bakr is believed to be the first person in about 20 years to have been granted permission to marry while serving time in Stateville. He wed in 2018. His wife recently purchased a home where he could reside near much of his support system. His sister has also offered to serve as parole site if for any reason Mrs. Bakr's home were to be denied.

Mr. Bakr has two standing offers of employment: Part-time as a writing coach and teaching Fellow at North Park University, and full-time as a community navigator with the Firehouse Community Arts Center. The navigator position would pay \$50,000 per year and provide full benefits, including health care. He also has access to health insurance through his wife's employer. Lewis University has also expressed interest in considering him for employment. Mr. Bakr voiced commitment to "a career in restorative outreach and mentorship" with those who have been close to gun violence or are at a high risk of becoming a victim or perpetrator of gun violence.

Mr. Bakr also has notable support from those who have encountered him in their professional capacities. Fifteen of his letters of support were from IDOC employees, including two Sergeants and a Lieutenant. Dr. Kenneth Osborne, the former Warden of Sheridan, who knew Mr. Bakr while working as the Assistant Warden of programs at Stateville, spoke for the first time on behalf of an individual's parole, voicing the rarity of Mr. Bakr's qualities, and offering to serve as a support for Mr. Bakr post-release. He also shared his professional observations that the release of deserving parole candidates does have a positive effect on the institution, and that he believed Mr. Bakr to be one of those individuals. One IDOC employee who worked with him for six years stated, "I would hire him if he was released tomorrow, I have that much confidence in him." A Sergeant who had known him two years stated there are not many people he would vouch for at Stateville, but Mr. Bakr was a rare exception.

Judge Hooks, who presided over Mr. Bakr's resentencing, has also written a letter of support, his first such letter in his sixteen years on the bench. He indicated that he would have considered a lighter sentence for Mr. Bakr but for his practice of honoring agreements as presented to him. He highlighted Mr. Bakr's accomplishments and the depth of his support system and offered that this case presents favorably on each of the three criteria that this Board is statutorily tasked to consider in its release decisions.

Cook County State's Attorney Kimberly Foxx appeared personally at Mr. Bakr's institutional hearing to speak in support of Mr. Bakr's release. She had personally interacted with Mr. Bakr at two events within Stateville and found him to be a thoughtful, calming presence and a clear leader among his peers. She stated she was there not to offer charitable support for Mr. Bakr, but rather out of a genuine belief that his work would be an asset to violence reduction in the community. Ms. Foxx was asked about her office's historical stance on this case. She believed the resentencing agreement was reflective of what the legal system could absorb in that context, and that the clemency opposition was based on the office's historical practice of opposing most efforts at early release based on a recitation of facts, but indicated there was a change of position upon recognition of Mr. Bakr's reformation.

There are no known factors that would prevent Mr. Bakr's release from occurring.

# **OPPOSITION TO PAROLE RELEASE**

Any protest to Mr. Bakr's release provided to this Board in testimony or letters will be introduced and fully considered in closed session.

# **ENBANC HISTORY**

Mr. Bakr is newly parole-eligible under the Youthful Parole Act; this is his first time appearing at en banc.

# **DISCUSSION**

Summary of discussion for parole consideration:

CLOSED SESSION: COATES- DELGADO

**OPEN SESSION: COATES-TISON** 

Mr. Heaton questioned what changed have been made since Mr. Bakr's resentencing.

Mr. Jamal Bakr's attorney, Mr. Drizen, introduced the many supporters present for the hearing. Amongst them were Mr. Bakr's wife, family members, Pastor, and faculty and students from North Park University. Mr. Drizen addressed Mr. Bakr's many accomplishments since his resentencing. In February 2023, he attended a Men's Retreat, dealing with trauma and healing. In the Spring, he completed writing and tutoring training at North Park University and was offered and accepted a tutoring job in June 2023. In the summer 2023, he wrote an article that was published by Purdue Writing Center. In January 2024, he was a Community Navigator with the Illinois Prison Project. May 2024, Mr. Bakr completed Peace Circle Training. In August 2024, he attended a writing workshop called, A Year of Workshops. Mr. Drizen stated that what separates Mr. Bakr's petitions is not only his overwhelming support, but also that he has never seen a former sentencing judge, State's Attorney, or Warden testify in support of an individual's parole. He stated they have all met and come to know Mr. Bakr and that changes the equation. Many correctional officers have stepped up on Mr. Bakr's behalf, up to fifteen. From Sergeant, Lieutenant, and other line officers. Mr. Drizen stated that as they were walking into the hearing, his colleague was getting messages from others who didn't feel like they could write letters on Mr. Bakr's behalf. He stated that it is important to know that these officers see Mr. Bakr on a daily basis, and he continues to impress them along with the warden and Illinois River Correctional Center. The Warden has stated to Mr. Drizen that he has seen how individuals in custody act after a parole hearing and believes if Mr. Bakr is granted parole, it would be celebrated among the staff and other individuals. It would be a positive impact on the institution. The Warden also stated to Mr. Drizen that if he is denied, it would give a negative impact and other individuals would look at it as, what chance do we have if the best of us were to be denied. Mr. Drizen stated that when he contacted State's Attorney Fox, he received an email back within five minutes. Judge Hooks stated that he has never seen a more deserving person of an early release than Mr. Bakr and the board should not take his resentencing as a final word. It was an agreed upon sentence. Mr. Drizen stated that Mr. Bakr's sentence is more than co-defendants. The co-defendants were sentenced to 10-12 years at 50%. He also stated that Mr. Bakr has had some serious health problems recently. He has passed out in cell and was rushed to the infirmary. He stated that he has heart issues, and lesions on his liver and gallbladder. Mr. Bakr is currently waiting on follow-up appointments. Mr. Drizen stated that serving another 9 years, Mr. Bakr's health will continue to deteriorate.

Phil Jackson, Pastor in Chicago, IL, works for a non-profit for individuals in custody approximately 20-25 hours a week. He expressed that with his experience, he has been able to see who is

committed to rehabilitation and who is acting like they are rehabilitating. He stated that there is a 30% decrease in murders for the areas they serve. Mr. Jackson stated that in his 37 years of serving young women and men, Jamal is the most ideal person to have recognized the harm that he has caused as well as found the purpose and pursued ways for his own healing. He has become a person within a prison for others to come to. He stated that he is a great student and he had to go back and challenge Jamal because of his passion and commitment to his own academic excellence. He stated that Mr. Bakr is a breath of fresh air, and the team is ready to hire him today because of the impact he has had on the inside. Mr. Jackson emotionally stated, the tears come from the fact of the number of individuals who become incarcerated, and we do not have time room to help them. He stated that Mr. Bakr is a person committed to honor what he has accomplished.

Mr. Jamal Bakr stated that he was nervous but fully present. He stated that he is not innocent and admitted that he was guilty for taking the lives of the victims. Mr. Bakr stated that his 18<sup>th</sup> birthday was just 36 hours before committing the crimes and he was motivated by fear and despair. Mr. Bakr stated that he kept hope and hung onto it unto the petition was put on hold. He has met many individuals who have spent 30-40 years in prison and could've been productive members of society, but died before they had a chance to parole. Also, during the pandemic, he saw individuals die inside the prison. He stated he had a lot of anxiety regarding the innocent claims he made. When the state offered him resentencing, he took the offer. He stated that actions speak louder than words and the truth was, he had done the most horrible thing possible. Mr. Bakr stated that he graduated top of class and received a reward for Academic Excellence, with a 4.0 GPA. He was also the first person allowed at Stateville Correctional Center to meet his wife. Mr. Bakr stated he has been selected as a mentor for younger offenders. When he found God, Mr. Bakr realized there was nowhere to hide from his guilt and shame. He stated that he got married and found someone to hold him responsible. He has spent the last decade to show he is not the impulsive teenager that he was the night he committed these crimes. Mr. Bakr stated he has heard that releasing someone in like them breaking into your home. He stated that you can look me in the home of your past, but I am not there.

Mr. Heaton questioned the sentencing for the co-defendants and the time they served. He also questioned if any of the co-defendants shot the victims.

Mr. Drizen stated that none of the co-defendants were shooters. They did participate and take accountability for their actions in the crime.

Mr. Heaton questioned if any of the co-defendants provided any statements.

Mr. Drizen stated that they did provide statements.

Mr. Bohland commanded and acknowledged Mr. Bakr on his accomplishments.

He stated that Mr. Bakr took the negotiated plea deal and then he immediately filed a Clemency petition which brings the same victims back into the light to deal with this again. He stated the murder sentence alone has not been exhausted or served out and since the negotiated plea deal, there have been 2 new petitions sent. Mr. Bohland questioned how we reconcile the two things on the table.

Mr. Drizen stated that restoration has to occur. Mr. Bakr has to have balance and wants the board to know he has recognized the burden of truth and the pain that he has caused for the Daniel's Family. He got resentenced and opportunity to tell his story. Mr. Drazen stated there is no way to right his wrongs. He also stated that no matter how many people Mr. Bakr helps and how much he tells the truth, he cannot right that wrong. Mr. Bakr just wants the Board to hear his story. He just wants to dedicate his life and service to the community and honor the harms that he has caused by impacting greater change.

Mr. Bohland commended Mr. Bakr on the path he is on regardless of the outcome.

Mr. Drizen stated that he was not his attorney during Mr. Bakr's resentencing. He also stated that upon the resentencing, everyone understood that it was not a sealed amount of time and Mr. Bakr would be coming before this Board to ask for a further sentence reduction. Mr. Drizen stated that this is the body that needs to hear his story because the Review Board has been to the facilities. They know what it's like inside and how hard it is to survive and thrive in those facilities. He stated no judge or State's Attorney have been there to see the daily struggles. Mr. Drizen also stated to correct the record, Mr. Bakr was a passenger in the vehicle during the crime.

Mr. Delgado commended Mr. Bakr on his evolution in the struggle in his path. He also commended the professor and Pastor Phil for their work on a day-to day basis. Mr. Delgado questioned Mr. Bakr on the ages of the offenders during the crime. He questioned Mr. Bakr that he just became 18 years old, and if the others were older.

Mr. Bakr stated yes, the others were 19 years old.

Mr. Delgado questioned Mr. Bakr if he was the passenger.

Mr. Bakr stated, yes, he was the passenger.

Mr. Delgado questioned that even with the plea deal, they could've done something more to assist Mr. Bakr.

Mr. Drizen stated, yes.

Mr. Delgado questioned Mr. Bakr on if he were to go home tomorrow, who would he stay with.

Mr. Bakr stated he would stay with his wife in Southern, Illinois.

Mr. Delgado questioned if Mr. Bakr's wife was present.

Mr. Bakr stated, yes, she was there. He knew that for a fact.

Ms. Terrones questioned if Mr. Bakr is no longer affiliated with the gang.

Mr. Bakr stated, no he is not.

Ms. Terrones thanked the community for their support of Mr. Bakr.

Ms. Globokar questioned the accountability in regard to the co-defenders.

Mr. Bakr became emotional as he described the events leading up to the murders. He stated that he had been shot 5 times about 5 weeks prior the crime. Three to his foot and two in his leg. Mr. Bakr stated that he received a phone call from a member of the gang to celebrate his birthday. The member insisted on Mr. Bakr going, so he relented and go into the van. They drove around for 1-2 hours drinking and smoking marijuana. Mr. Bakr stated that he smoked marijuana every day since he was 14 years old. He stated that a conversation started about him getting shot that asked how he was doing and if he wanted to get retaliation. Mr. Bakr stated that he didn't want to get shot again and wishes he could take is back. He feels remorse for the way he has the victims and family. Mr. Bakr stated that violence was all around him, and it was normal for him and his community. Mr. Bakr apologized for what he has done.

Ms. Globokar stated most are deeply impacted by a crime that took solace on a 60-year sentence. She asked Mr. Bakr to describe to the Board what he means by center the harm on post release.

Mr. Bakr stated and explained there are five stages: Guilt, shame, regret, remorse, and responsibility. He stated that you must center your harm by doing everything you can by preventing the harm. He acknowledged that there is no giving the life back that he took, but he must center the harm.

Mr. Tupy stated 2 years ago Mr. Bakr thought a 34 ½ year sentence was acceptable at his resentencing. He questioned Mr. Bakr on why that sentence should be reconsidered now.

Mr. Bakr stated that he took the plea deal with the understanding that it would allow him to be able to come in front of the Parole Board. He stated that he believes in the Board and trusts them to listen.

Mr. Drizen stated that Mr. Bakr's resentencing was to enable him to come in front of the Parole Board. It was not a final word of what he deserved to serve. Mr. Drizen questioned if it was necessary for Mr. Bakr to serve another 9 years in prison. He questioned if not serving those last 9 years would deprecate the sentence.

End of discussion.

# **DECISION AND RATIONALE**

Motion to grant parole (JGLOBOKAR-WDELGADO). Motion prevailed with a 6-3 vote. Members voting in favor of the motion were Mr. Coates, Mr. Delgado, Ms. Globokar, Ms. Terrones, Ms. Tison, and Mr. Tupy. Mr. Bohland, Mr. Grubbs, and Mr. Heaton dissented.

After a complete review of Mr. Jamal Bakr's case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Bakr, subject to conditions

of parole release as set by the Board and by law. The Board hereby finds that Mr. Jamal Bakr is an appropriate candidate for parole release.

"The Board makes a specific finding that the release of victim protest letters could subject a person to actual risk of physical harm. The Board further notes that, pursuant to Illinois law, victim statements are confidential and privileged."