**Section 3500.385 Decisions**

a) *All 8 voting members of the Commission,* including alternate members if necessary*, shall participate in that vote.* [775 ILCS 40/45(c)]

b) *If at least 5 or more of the 8 voting members of the Commission conclude by a preponderance of the evidence that there is sufficient evidence of torture to merit judicial review*, *the case shall be referred to the Chief Judge of the Circuit Court of Cook County by filing with the Clerk of the Court the opinion of the Commission with supporting findings of fact as well as the* administrative *record in support of such opinion*. Any written dissents from the decision by a member of the Commission shall also be filed. A copy of these materials shall be served on the State's Attorney.

1) Given the statutory standard (Section 45(b) of the Act), the Commission may find that there is significant evidence of torture that is sufficient for it to conclude that a claim merits judicial review without the Commission also finding that it is more likely than not that any particular fact occurred.

2) The Commission may, but is not required to, find that it is more likely than not that one or more particular facts occurred. If it does so, it shall so state in its decision.

c) *If fewer than 5 of the voting members decide by a preponderance of the evidence that there is sufficient evidence of torture* to conclude that the claim is credible, *the Commission shall determine that the claim of torture does not merit judicial review for appropriate relief. The Commission shall document that* determination in a written decision, *along with supporting findings of fact, and file those documents, supporting materials*, and the administrative record *with the Court Clerk in the circuit of original jurisdiction, with a copy to the State's Attorney and the Chief Judge.* [775 ILCS 40/45(c)] Any written dissents from the decision by a member of the Commission shall also be filed.

d) *The Director shall use all due diligence to notify immediately* both the convicted person and *the victim* in writing *of the Commission's conclusion* regarding the claim, and furnish them with a copy of the written decision. [775 ILCS 40/45] This notice shall be given as promptly as reasonably practicable and, in the case of the conclusion of a formal inquiry, absent exceptional circumstances, shall be given no later than 10 business days after the written decision is issued by the Commission.

e) The absence, incapacity or failure to appoint one or more of the voting members shall not prevent the Commission from rendering a decision if at least 5 voting members, including alternate members, of the Commission who are present decide that there is sufficient evidence of torture to merit judicial review pursuant to subsection (b), or if at least 4 voting members, including alternate members, who are present decide that there is not sufficient evidence to merit judicial review pursuant to subsection (c). If there are insufficient votes under both provisions to render a decision, the claim shall be tabled and brought before the Commission again at a subsequent meeting.

(Source: Amended at 38 Ill. Reg. 18988, effective September 19, 2014)