

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of John Searles

TIRC Claim No. 2013.165-S
(Relates to Cook County Circuit
Court Case No. 00-CR-17515)

CASE DISPOSITION

Pursuant to 775 ILCS 40/45(c) and 2 Ill. Admin. Code 3500.385(b), the Illinois Torture Inquiry and Relief Commission concludes by a preponderance of the evidence that insufficient evidence of torture exists to merit judicial review of John Searles' claim of torture. This decision is based on the report set forth below and the attached supporting record.

Executive Summary

John Searles submitted a claim form to the Commission alleging he was tortured by Chicago police officers after being arrested for armed robbery and first-degree murder on June 24, 2000.¹ He claimed that he was punched with a closed fist in the chest, handcuffed to the wall, slapped, not allowed to use the restroom, and that he was struck in his torso with a baton. He further claimed that police threatened his mother's safety.

Later, in an interview with TIRC staff, Searles stated that he was repeatedly punched in the chest and back of the head when he refused to cooperate with police. He only agreed to cooperate after he was struck multiple times with a phone book that contained an unknown object.² Searles then provided a video-taped statement to police and prosecutors on the morning of June 25, 2000.

Searles filed a motion to suppress this statement in early 2002, in which he alleged only that he was punched in the chest and subjected to a "good cop/bad cop" routine. He did not testify at the suppression hearing and the motion was denied. Searles did testify at his trial. However, he made no mention of the alleged abuse during trial testimony. Searles filed a direct appeal of his conviction and sentence, a petition for post-conviction review, an appeal of the denial of his PCR petition, and a federal habeas petition. In his post-trial efforts, Searles either made no mention of abuse or made general claims that lacked details of the alleged abuse. The first time Searles provided a detailed description of the alleged abuse was at his interview with Commission staff on March 1, 2018.

Commission staff obtained Searles record of trial, his medical records from the Cook County jail, the non-privileged files from the public defender's office, and the Chicago Police Department's investigative report. Commission staff further interviewed Searles, his mother, his defense counsel, and the ASA who took Searles' statement. Investigation revealed that certain key documents Searles claimed existed did not exist while others contradicted Searles' claim. His defense counsel stated that if Searles had mentioned abusive actions by the police, he would have raised it in Searles' defense. Notably, Searles first mentioned being struck by a phone book during

¹ John Searles TIRC Claim Form, attached as Exhibit ___.

² Audio of March 1, 2018, Interview of John Searles ("Searles TIRC Interview").

his interview with Commission staff. Based on this investigation, the Commission believes that Searles' claims do not merit judicial review.

FACTUAL FINDINGS

I. Searles' Criminal Case Background.

a. June 24, 2000.³

According to witness statements memorialized in police reports, on Saturday, June 24, 2000, John Searles, Evelyn Rivera, and Vanessa Padin were socializing at the apartment where Rivera lived with her mother. Searles and Rivera had been dating for several months and may have been engaged.⁴ Rivera was also dating Anthony Leyva, 72, during the same period.

Rivera was scheduled to leave Chicago the next day to spend to several months in Puerto Rico. Rivera knew that Leyva typically carried a large amount of cash with him in a black fanny pack and suggested that they rob him to finance a going away party.

Rivera then called Leyva and asked him to come pick her up. Rivera also equipped Searles with a large knife. Searles exited the apartment and went to the street to wait for Leyva to arrive so he could rob him.

When Leyva arrived, Searles attempted to open the passenger side door of Leyva's car but it was locked. Searles then went inside to tell Rivera and Padin. They then decided to ask Leyva to drive Searles and Padin to the nearest "L" stop. Leyva agreed and all three entered the vehicle. Rivera sat in the front passenger seat, with Padin behind her and Searles behind Leyva. This happened sometime between 7:30 and 8:00 pm.⁵

Shortly after Leyva began driving, Searles produced the knife and demanded that Leyva stop the car and hand over his money. Leyva stopped the car and Padin and Rivera got out. Searles and Leyva then drove off. Padin and Rivera walked back to Rivera's home. When they arrived, they discovered Searles in a garage behind the apartment building. Searles told Padin and Rivera that he had stabbed Leyva. He further told them that the car crashed at a gas station and he jumped out. He said that he lost a shoe at the gas station, so he threw his other shoe away.⁶

³ The police and the three defendants describe the events leading up to the attempted robbery and stabbing of Anthony Leyva on June 24, 2000 in substantially the same way. These facts are summarized from the CPD Report, three statements, John Searles' trial testimony, and Vanessa Padin's trial testimony.

⁴ Chicago Police Department Report No. CASR229 ("CPD Closing Report"), at 12, attached as EXHIBIT A; *see also* TIRC-Compiled ROP (hereinafter TCROP) 478.

⁵ *See* EXHIBIT A, CPD Closing Report, at 12. Much of the timing of the events on June 24, 2000, were provided by Rivera's mother, Emenegilda Viera. She reported returning to the apartment at approximately 7:30 pm, where she found Searles, River, and Padin. *Id.* She then fed her younger children, and when done, noticed that the three had left the apartment. *Id.*

⁶ *See* EXHIBIT A, CPD Closing report.

b. Searles Testimony at Trial Regarding Stabbing.⁷

At trial, Searles testified that he told Padin and Rivera that he wanted to forget about the plan to rob Leyva after he tried to open the passenger door of Leyva's car but found it was locked. Rivera offered to have Leyva take him to the "L" station and Searles accepted because he no longer wanted to be there.

Searles then testified that he, Rivera, and Padin got into Leyva's car and they started driving toward the "L" stop. After a short period, Searles pulled out the knife, placed it between the seats, and told Leyva to stop the car several times. Searles stated he no longer wanted to have the knife in the car and he did not want to be around Leyva and Rivera anymore. Searles testified that he and Rivera were engaged and he did not like seeing her and Leyva together. However, Leyva began to struggle with Searles and tried to take the knife away. Searles surmised that he must have cut Leyva in the side during the struggle. Leyva did stop the car and Rivera and Padin got out. Leyva then began driving again. At one point, Searles attempted to move the gear shifter into park, causing the car to jerk but not stop moving. When the car jerked, Searles testified that he "came back with the knife and cut [Leyva] in the neck."

On cross-examination, Searles continued to say he just wanted a ride to the "L" station but admitted that he kept the knife Rivera had given him. He further admitted that the knife was sheathed and that he undid a buckle and pulled the knife out of that sheath while in the car.

c. Death of Anthony Leyva.

Dr. James Filkins, a forensic pathologist in the Chicago Medical Examiner's Office, testified regarding Leyva's injuries and cause of death. Dr. Filkins conducted the autopsy of Leyva.⁸ He testified that he observed an incised wound on the right side of Leyva's neck that cut through the skin of the neck and severed both the carotid artery and the jugular vein on the right side of Leyva's neck.⁹ Dr. Filkins also described injuries to Leyva's hands that, based on Dr. Filkins' experience, appeared to be defensive injuries.¹⁰ He concluded that Leyva's death was a homicide caused by multiple stab and incised wounds.¹¹

d. Police Begin Investigation and Allegedly Torture Searles.

i. Crime Scene and Initial Investigation.¹²

Chicago police officers reported to a traffic accident at a gas station located at 5901 South Pulaski Road, Chicago, IL shortly after 8:00 pm on June 24, 2000. It was raining heavily at the scene. Police officers discovered Leyva's car resting against a building. Leyva was transported to

⁷ The facts in this subsection were obtained from the TIRC-Compiled Report of Proceedings in *People v. Searles*, Cook County Case No. 00-CR-17515 ("TCROP"), at 477-529.

⁸ TCROP, at 454.

⁹ TCROP, at 455-56.

¹⁰ TCROP, at 459-61.

¹¹ TCROP, at 469.

¹² The facts in this sub-section were obtained from EXHIBIT A, CPD Closing Report, at 9-11.

the hospital. The front seats of the car were covered in blood. There was a black fanny pack containing Leyva's driver's license, credit cards, and \$420 in cash inside.

A large, bloody knife was lying on the front passenger seat. Detectives further located a black, white, and red gym shoe on the gas station property and a knife sheath in a nearby alley.

Rivera approached the scene while detectives were investigating. She stated that she knew the victim and that the victim's car was her boyfriend's car. Rivera then told police that Leyva was taking her to dinner that night. She said that Leyva agreed to give her friend, "David," a ride to a nearby "L" stop. Rivera's description of "David" resembled Searles at the time.

Rivera said that during the ride, "David" produced a knife and demanded money from Leyva. She said "David" then stabbed Leyva and she jumped out of the car. She further stated that "David" lost a shoe during the robbery.

Rivera agreed to give a further statement at Area 1 Violent Crimes. The police took her by her apartment to inform Rivera's mother they were taking Rivera to Area 1. Upon entering the apartment, the police officers saw an individual, later determined to be Searles, who matched the physical description of "David" offered by Rivera. The officers also saw a pile of wet clothing that matched the description of the clothes Rivera had told police that "David" was wearing. The police then apprehended Searles and Padin in the apartment.

Rivera had remained in the squad car. As the police were walking Searles to another squad car, police said Rivera made a spontaneous statement that she wanted to tell the truth. She told a police officer that she gave Searles the knife and that she, Searles, and Padin had planned to rob Leyva. Rivera said she and Padin were in the car when Searles demanded money from Leyva and that Searles stabbed Leyva multiple times when he refused to stop the car or produce any money.

ii. Rivera Provides Statement to Police.¹³

At Area 1, Rivera was interviewed by police and agreed to provide a video recorded statement to ASA Peter Karlovics. Rivera was the first of the three suspects to be interviewed by police but did not make her video-taped statement until 10:38 am on June 24, 2000.¹⁴ Rivera provided a description of the events leading up to the death of Leyva that generally match the facts stated above.

After they got out of the car, Rivera and Padin walked around for a while and then returned home where they saw Searles in a garage. They initially ignored Searles, until a neighbor walked out of another apartment. Rivera noted that they asked this neighbor for money "so we could go to [the] club."¹⁵

¹³ The facts from this sub-section are derived primarily from the June 25, 2000 Statement of Evelyn Rivera ("Rivera Statement"). Although Rivera's statement was videotaped, the Commission has not been able to obtain the video. The Commission, however, has obtained a transcription of Rivera's statement. See EXHIBIT B- Rivera Statement.

¹⁴ See EXHIBIT. A, CPD Closing Report, at 13; See also, EXHIBIT B, Rivera Statement at 1.

¹⁵ Rivera Statement, at 17.

Rivera eventually went to talk to Searles. She stated that he told her “that he had stabbed [Leyva] in the throat and that it came out of the other side and he couldn’t get the knife out.”¹⁶ Rivera further stated that Searles was barefoot. They then went into the apartment to change their clothes. They returned to the apartment at approximately 9:00 pm.¹⁷ Rivera asked Searles if he got the money and he said no. Searles told her that Leyva’s car crashed into a nearby gas station. Rivera decided to go to the gas station to see what was happening and see if Searles was telling the truth. Rivera then described going to the gas station, telling the police about “David,” and eventually returning to her home with the police where they found Searles and Padin. The police arrived at the apartment at approximately 9:40 pm.¹⁸

At the end of the interview, ASA Karlovics asked Rivera how she was treated. She said “great, very well” and said that the police treated her “respectable [sic.]”¹⁹ She was offered donuts, which she did not eat because she was feeling sick, allowed to smoke cigarettes, allowed to use the restroom, and given coffee and soda to drink.²⁰

iii. Padin Gives Statement to Police.²¹

Padin was detained by police at approximately 9:40 pm on June 24, 2000.²² She was transported to Area 1 and interviewed by police after Rivera.²³ At 12:11 pm on June 25, 2000, she provided a video-taped statement to ASA Karlovics that largely mirrored the statement provided by Rivera.²⁴ Padin confirmed that when she and Rivera first saw Searles after they returned to the apartment he was standing in the garage behind the apartment and he told them that he stabbed Leyva six times in the stomach and stabbed him in the neck but that he could not get the knife out.²⁵ Padin also stated that she was treated well by the police, that she was given food and coffee, and that she could use the restroom whenever she wanted.²⁶ She confirmed that she was not threatened, no one forced her to say anything in her statement, and that no one made any promises to get her to make the statement.²⁷

iv. Police Interrogate Searles.

Searles testified on cross-examination at trial that he gave conflicting statements at Area 1 to police on June 24-25, 2000. Searles arrived at Area 1 at approximately 10:25 pm on June 24, 2000.²⁸ Searles agreed that in his first conversation with Detectives John Halloran and Francis

¹⁶ Rivera Statement, at 17.

¹⁷ Ex. ___, CPD Report, at 12.

¹⁸ EXHIBIT A, CPD Closing Report, at 12.

¹⁹ EXHIBIT B, Rivera Statement, at 24.

²⁰ EXHIBIT B, Rivera Statement, at 25.

²¹ Vanessa Padin’s statement to police at Area 1 was also videotaped. The Commission was able to obtain both the video recording of her statement and the transcript of her statement. *See* EXHIBIT C, Transcript of June 25, 2000 of Vanessa Padin (“Padin Statement”).

²² EXHIBIT A, CPD Closing Report, at 12.

²³ EXHIBIT A, CPD Closing Report, at 16.

²⁴ *See, generally*, EXHIBIT C, Padin Statement.

²⁵ EXHIBIT C, Padin Statement, at 17.

²⁶ EXHIBIT C, Padin Statement, at 19.

²⁷ EXHIBIT C, Padin Statement, at 19.

²⁸ TCROP, at 23.

Valadez, he told them that he did not know anything about the murder or robbery of Leyva.²⁹ After being told that Padin and Rivera were also at the police station and some of what they were saying to police, Searles changed his story to say that he had been in Leyva's car that night but that his cousin got into the car and actually stabbed Leyva.³⁰ Det. Halloran testified at the suppression hearing that the first interrogation took place at around 11:30 pm with the second conversation at 2:00 am on June 25, 2000.³¹

v. Searles is Tortured by Police as Described by Searles in his TIRC Claim Form and Interview with Commission Staff.³²

In his Claim Form³³ filed with the Commission, Searles alleged he was struck with a "closed fist to the chest, stomach and face" and that he was struck on his torso with a baton, but the abuse consisted "mainly of closed fist and open-hand slaps by John Halloran."

During his interview with Commission staff on March 1, 2018³⁴, Searles alleged that he was tortured by Detective John Halloran into making a statement. Searles told Commission staff that he was placed in a small room where his right hand was handcuffed to a ring on the wall. He was left alone for a while, at least 45 minutes. Det. Halloran then came in for the first interview. Det. Halloran did not abuse Searles initially. At some point, Det. Halloran left the interrogation room. When he returned, he told Searles that Rivera and Padin had confessed and told Searles he should confess as well. Searles denied that he knew anything. Det. Halloran then slapped Searles two to three times. He then began punching Searles in the back of the head and the chest. Searles was still handcuffed at this point.

Det. Halloran eventually left the interrogation room and another detective entered. Searles did not remember this detective's name. Searles stated that the detective tried to be nice. He told Searles that if Searles cooperated, then Halloran would go away. The detective did not touch Searles.

Searles was then left alone for about half an hour until Det. Halloran returned. Det. Halloran told Searles that he would confess, but Searles refused. Det. Halloran then began punching Searles. Searles reported that Det. Halloran would strike his chest first and then when Searles bent over because of the pain, Det. Halloran would then strike the now exposed back of Searles' head. Searles was still handcuffed to the wall. The interview lasted about half an hour but Searles did not say anything incriminating.

After Det. Halloran left again, the other detective returned. This detective again encouraged Searles to cooperate and to confess. This detective and Det. Halloran came and went in this fashion about five times. The other detective would be in the room for about 10-15 minutes. Searles reported that Det. Halloran would leave his interrogation room and go into a room that contained

²⁹ TCROP, at 521.

³⁰ TCROP, at 522.

³¹ TCROP, at 23-24.

³² Unless otherwise noted, all statements in this sub-section are taken from the March 1, 2018 Interview of Searles by Commission Staff ("Searles TIRC Interview").

³³ See EXHIBIT D, John Searles TIRC Claim Form.

³⁴ Hear EXHIBIT F, Audio recording of TIRC Interview with John Searles.

Rivera. Searles could hear slapping noises coming from that room and he could hear Rivera screaming. Searles told Commission staff that when he saw Rivera in a bullpen at the Cook County jail later she told him that they slapped her but she did not know how many times. (Rivera did not file a motion to suppress her statements and eventually pled guilty.)

At the fifth interview, Searles stated that Det. Halloran brought a phone book into the interrogation room. Det. Halloran handcuffed Searles' left hand to the wall so that both hands were handcuffed to the wall and Searles was standing spread eagle in the room. Det. Halloran then began hitting Searles in the chest with the phone book. Searles stated that there was some sort of object in the phone book but he could not tell what it was because his vision was becoming blurry. Searles reported that one session of abuse with the phone book "broke" him and he agreed to cooperate.

Det. Halloran apparently left the interrogation room after Searles agreed to cooperate. When he returned, he coached Searles on what to say. If Searles did not say something the right way, Det. Halloran would punch him. Det. Halloran also told Searles that someone was coming to videotape Searles' statement. Searles reports that there were three sessions of about 20 minutes each to practice what he would say on camera. Det. Halloran would punch Searles every time he did not say something correctly. Searles eventually just repeated what Det. Halloran told him to say. Both of Searles' hands were handcuffed to a wall during this session. After this, Det. Halloran left and Searles was alone for an hour and a half or more.

Det. Halloran eventually uncuffed Searles and took him to a different room toward the back of the building. Searles met ASA Peter Karlovics in this room. He was able to see out a window on his way to the room and it was still dark out. Searles reports that this was the only time he spoke to ASA Karlovics and that the camera was already taping when he arrived in the room.

Searles said that he retold the rehearsed story to ASA Karlovics. Searles told ASA Karlovics that he had been treated "OK" and that he had eaten. Searles reports that the confession was 17 pages long.³⁵

Searles also reported to Commission staff that he did not eat the entire time he was at Area 1 nor did the police allow him to use the restroom even though he asked to. He also reported that he urinated on himself. Det. Halloran allegedly made fun of Searles for urinating on himself and told him that he could not control his bladder.

vi. Searles Gives Videotaped Statement³⁶.

ASA Karlovics first interviewed Searles at approximately 4:15 am on June 25, 2000.³⁷ Det. Halloran was present for most of that interview. At the end, ASA Karlovics had Det. Halloran step out of the room so he could speak to Searles alone.³⁸ At this point, ASA Karlovics asked Searles

³⁵ This accurately describes the transcript of Searles' statement to police. *See generally*, EXHIBIT E: Searles Statement.

³⁶ *See/hear generally* EXHIBIT G, Video/audio-recorded statement of Searles to police.

³⁷ TCROP, at 250.

³⁸ TCROP, at 254.

“if he had any problems with the police treatment, or if he needed anything.”³⁹ Searles responded that he had no complaints and did not need anything.⁴⁰

After that interview, Searles elected to provide a video-taped statement. The statement began at 8:47 am and lasted just over 17 minutes. The statement largely mirrors Rivera’s and Padin’s statements concerning the planning of the robbery and the events up to the point when Rivera and Padin got out of Leyva’s car.

Additionally, on both the video and in the transcript made of the video, ASA Karlovics stated “John Searles, I talked to you earlier and you told me about the murder/attempt robbery of Anthony Leyva.”⁴¹ Searles agreed this statement was correct.⁴² On the video, ASA Karlovics also presented Searles with a document Searles had signed agreeing to have his statement video-taped.⁴³ ASA Karlovics stated that Searles signed the paper before the recording began, and in fact the video shows Searles looking at the document but does not show Searles signing the document.

Searles’ statement to police differs from his trial testimony in two ways. In his video-taped statement to police on June 25, 2000, Searles stated that after he pulled out the knife and demanded that Leyva give him money, Leyva grabbed the knife.⁴⁴ Searles said they struggled for the knife and that he stabbed Leyva and then “stabbed him again so he would let go if it.”⁴⁵ Searles then stated that he “jerked” the knife from Leyva, which is when Searles stabbed Leyva in the neck.⁴⁶ Searles said he “was just trying to cut [Leyva] in the neck and get him to fucking leave me – to let go of the knife and let me go already.”⁴⁷

At trial, Searles asserted that he never placed the knife at Leyva’s neck and suggested that the movement of the car caused him to jerk the knife and stab Leyva. Searles’ statements concerning the placement of the knife and how or why he stabbed Leyva in his taped confession are more prejudicial than his testimony at trial.

II. Pre-trial Statements Regarding Torture and Motion to Suppress.

a. Searles Allegedly Tells Police Officer about Abuse and has Photos Taken by Office of Professional Standards Officer.

During his interview with Commission staff, Searles stated that after he made the statement he was taken to a uniformed police officer on the first floor of Area 1 for fingerprinting.⁴⁸ The uniformed officer asked Searles what had happened to him, and Searles replied, “I was assaulted

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ See EXHIBIT E: Transcript of June 25, 2000 Statement of John Searles (“Searles Statement”), at 2.

⁴² *Id.*, at 2.

⁴³ See, Video Recording of June 25, 2000, John Searles Statement.

⁴⁴ See EXHIBIT E: Searles Statement, at 12.

⁴⁵ See EXHIBIT E: Searles Statement, at 12.

⁴⁶ See EXHIBIT E: Searles Statement, at 13.

⁴⁷ See EXHIBIT E: Searles Statement, at 13.

⁴⁸ *Hear* EXHIBIT F: Searles TIRC Interview, at 41:15.

up there.”⁴⁹ Searles said that about 20-25 minutes later that an officer in plain clothes came and took pictures of Searles.⁵⁰ Searles further said that he took his shirt off when the officer took photos of his front, back, and face.⁵¹ Searles told Commission staff that the officer said he was with the Office of Professional Standards, the agency that then investigated police misconduct.⁵² Searles claims that he told the officer that he was assaulted over and over.⁵³ Searles said that the OPS officer then put him in a little cell where he remained until he was transported to the Cook County jail.⁵⁴

Investigation Regarding OPS Complaint.

Commission staff issued a subpoena to the Chicago Police Department requesting all records of any investigation into any complaint filed by John Searles. CPD responded that it did not have any record of any complaint filed by Searles.⁵⁵

Commission staff did obtain photos of John Searles taken by CPD at 5:30 am on June 25, 2000, prior to the taking of his videotaped confession at 8:47 a.m..⁵⁶ The photographs were with crime scene photos turned over by CPD to TIRC. The photos show minor wounds to Searles’ hands, what appears to be a scar or minor wound on Searles’ right knee, and a picture of Searles from the waist up with his shirt on.⁵⁷ The photos were taken by “A. Garner,” Star No. 16035.⁵⁸

b. Searles’ Initial Statements about Abuse to Attorneys.

Searles claims he told the public defender that represented him at his initial appearance about the abuse.⁵⁹ However, the public defender told Searles that a trial attorney would be appointed to represent him later and that Searles should tell that attorney about the abuse.⁶⁰ Searles was unable to remember the name of this attorney.

Frank Madea, then of the Law Office of the Cook County Public Defender, was assigned to represent Searles. Searles told Commission staff that he informed Mr. Madea of the abuse.⁶¹ Madea supposedly responded that Det. Halloran was a “superstar” for the CPD and that pursuing the allegations of abuse would be hard.⁶² Searles claimed that Madea said he would try to obtain the photos from OPS and that he would file a motion to suppress Searles’ statements.⁶³

⁴⁹ *Hear* EXHIBIT F: Searles TIRC Interview, at 41:48.

⁵⁰ *Hear* EXHIBIT F: Searles TIRC Interview, at 42:00.

⁵¹ *Hear* EXHIBIT F: Searles TIRC Interview, at 1:11:00.

⁵² *Hear* EXHIBIT F: Searles TIRC Interview, at 42:04.

⁵³ *Hear* EXHIBIT F: Searles TIRC Interview, at 42:10.

⁵⁴ *Hear* EXHIBIT F: Searles TIRC Interview, at 42:17.

⁵⁵ *See* EXHIBIT H: Chicago Police Department Response to TIRC Subpoena No. 2015-014, dated May 4, 2015.

⁵⁶ *See* EXHIBIT I: Photos of John Searles provided to TIRC in response to TIRC Subpoena No. 2015.014.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Hear* EXHIBIT F: Searles TIRC Interview, at 45:46.

⁶⁰ *Id.*

⁶¹ *Hear* EXHIBIT F: Searles TIRC Interview, at 50:30.

⁶² *Hear* EXHIBIT F: Searles TIRC Interview, at XX:XX.

⁶³ *Hear* EXHIBIT F: Searles TIRC Interview, at XX:XX

Investigation Regarding Claim that Searles Told Defense Counsel about Abuse.

Commission staff interviewed Mr. Madea on August 16, 2018. In response to Searles' claim that Mr. Madea called Det. Halloran a "superstar," Mr. Madea said "I'm sure I didn't [say it]." ⁶⁴ He said that he would not have used the word "superstar" to describe Det. Halloran. ⁶⁵ At a later interview on October 2, 2018, Mr. Madea was able to review the files held at the Public Defender's offices including privileged notes in the file. Based on that review and his memory, he stated that he did not believe that he requested any OPS records related to this case. ⁶⁶ He further stated that it was public defender general practice to request a court order to take pictures of an inmate if that inmate made abuse allegations at their intake meeting. ⁶⁷ Mr. Madea was unable to locate any notes or other documents in the privileged section of the public defender files that would provide any additional information regarding Searles' torture allegations. Commission staff obtained the public defender files but did not find any evidence of such a request or order.

c. Searles Allegedly Tells Cook County Jail Medical Personnel about Abuse.

During his interview with Commission staff, Searles claimed that he told the medical intake personnel at Cermak Health Services at the Cook County jail about the abuse. ⁶⁸ He says he took his clothes off and that the medical personnel saw the bruises on his body. ⁶⁹ Searles told them that CPD abused him and caused the bruising. ⁷⁰ Searles said that the medical personnel did not go into it. Rather, they simply took notes to make sure that the sheriffs were not blamed for the bruising. ⁷¹

Investigation of Statements to Cook County Medical Staff.

Commission staff obtained Searles medical records from Cermak Hospital. These records include the medical intake forms from when Searles was admitted to the Cook County jail in or around late June 2000, commonly referred to as the "bruise sheet." ⁷² Medical intake records from June 26, 2000, discuss Searles' then current medical condition, including a history of mental health issues, asthma, hepatitis, and past stabbing wounds. ⁷³ And although the records list a number of scars and tattoos, there is no record of any bruising, and no marks of any kind on the chest. ⁷⁴ The records contain no reference to any complaints of abuse by CPD officers.

⁶⁴ See EXHIBIT J: Memorandum of August 16, 2018 Interview of Frank Madea by Commission Staff ("Aug 16, 2018 Madea Interview"), at 1, attached as Exhibit ___.

⁶⁵ *Id.*

⁶⁶ See EXHIBIT K: Memorandum of October 2, 2018 Interview of Frank Madea by Commission Staff ("October 2, 2018 Madea Interview"), at 1; see also EXHIBIT L: Memorandum of October 1, 2018 interview of Frank Madea.

⁶⁷ *Id.*, at 2.

⁶⁸ Hear EXHIBIT F: Searles TIRC Interview, at 57:35.

⁶⁹ Hear EXHIBIT F: Searles TIRC Interview, at 57:55.

⁷⁰ Hear EXHIBIT F: Searles TIRC Interview, at 58:02.

⁷¹ Hear EXHIBIT F: Searles TIRC Interview, at 58:10.

⁷² See EXHIBIT M: Cermak Health Services Intake Medical Records for John Searles Provided to Illinois Torture Inquiry and Relief Commission in response to TIRC Subpoena No. 2018.037.

⁷³ EXHIBIT M, at 1.

⁷⁴ EXHIBIT M, at 2.

III. Motions to Suppress and Suppression Hearing.

a. January 30, 2002 Motion to Suppress and February 27, 2002 Amended Motion to Suppress.

On January 30, 2002, Searles, through his attorney Frank Madea, filed a motion to suppress his video-taped statement.⁷⁵ In the motion, Searles alleged that he was interrogated by Dets. Halloran and Valadez, as well as Det. John Munoz and ASA Karlovics.⁷⁶ He further alleged that he was not informed of his Miranda rights prior to any questioning.⁷⁷ He lastly alleged that he was coerced into making the statement when Det. Halloran struck him in the chest.⁷⁸

On February 27, 2002, Searles filed an amended motion to suppress.⁷⁹ He continued to allege that he was not informed of his Miranda rights and that Det. Halloran struck him in the chest.⁸⁰ He further alleged that he was threatened with the death penalty if he did not admit to the attempted robbery and murder.⁸¹ He lastly alleged that he was interrogated by a “good cop/bad cop method.”⁸²

Investigation Regarding the Original and Amended Motions to Suppress.

In his interview with Commission staff, Searles remembered the motion to suppress being amended but stated that he did not get copies of anything.⁸³ Searles did not recall why the motions did not contain any allegations of being hit by a phone book and stated that he never saw the motions.⁸⁴

When interviewed by Commission staff, Mr. Madea could not remember whether Searles told him about being struck with a phone book or about being struck with an object through the phone book.⁸⁵ Mr. Madea stated that Searles must have told him about being hit in the chest or he would not have included that allegation in the motions to suppress.⁸⁶ Mr. Madea further related that he could not remember why he filed an amended motion to suppress.⁸⁷ He may have filed the amended motion based on a request by the prosecution to be more specific about the allegations or Searles may have provided him additional details.⁸⁸ When asked about each specific allegation

⁷⁵ See EXHIBIT N: *People v. Searles*, 00-CR-17515(02), January 30, 2002 Motion to Suppress filed by John Searles.

⁷⁶ *Id.*, at 1.

⁷⁷ *Id.*, at 1-2.

⁷⁸ *Id.*, at 2.

⁷⁹ See EXHIBIT O: *People v. Searles*, 00-CR-17515(02), February 27, 2002 Amended Motion to Suppress filed by John Searles.

⁸⁰ *Id.*, at 1-2.

⁸¹ *Id.*, at 2.

⁸² *Id.*, at 2.

⁸³ Hear EXHIBIT F: Searles TIRC Interview, at 1:05:00.

⁸⁴ Hear EXHIBIT F: Searles TIRC Interview, at 1:07:43.

⁸⁵ See EXHIBIT J: August 16, 2018 Madea Interview, at 1.

⁸⁶ See EXHIBIT L: Memorandum of October 1, 2018 Interview of Frank Madea by Commission Staff (“October 1, 2018 Madea Interview”).

⁸⁷ See EXHIBIT K: October 2, 2018 Madea Interview, at 1.

⁸⁸ *Id.*

of abuse made by Searles at any point, Mr. Madea could not remember if he had heard about them previously.⁸⁹

b. February 27, 2002 Motion to Suppress Hearing.

At the hearing for the amended motion to suppress, Searles was sworn to the motion but did not testify.⁹⁰ The state called only one witness: Det. Halloran. He testified on direct that he warned Searles of his Miranda rights.⁹¹ He denied telling Searles that he would get the death penalty if he did not confess.⁹² He denied hitting Searles in the chest.⁹³ And he denied employing a “good cop/bad cop” routine.⁹⁴ On cross-examination, Det. Halloran testified that Det. Valadez was present during the interrogation and that Det. Valadez asked questions.⁹⁵ Both the defense and the state rested without argument.⁹⁶ The court then found that Searles’ statement was voluntary and denied the motion to suppress.⁹⁷

Investigation Regarding Motion to Suppress Hearing

Searles reported to Commission staff that he did not testify at the motion to suppress hearing because Mr. Madea said it might hurt his case but did not explain why.⁹⁸ Searles said Madea told him that Det. Halloran’s testimony would be given greater weight by the judge because Halloran was a “star” of the CPD.⁹⁹ Searles stated that “it was almost like [Madea] did not want to do [the suppression hearing].”¹⁰⁰

Mr. Madea told Commission staff he did not remember why he did not have Searles testify at the suppression hearing.¹⁰¹ He did offer that in his opinion the motion was not going to be granted because they were in front of Judge Stuart Palmer.¹⁰² Mr. Madea surmised that he did not want to put Searles on the stand and therefore make him available for a cross-examination that might hurt his case at trial.¹⁰³

After he had a chance to review the public defender files, Mr. Madea told Commission staff that it was his practice not to put a client on the stand at a suppression hearing.¹⁰⁴ He felt that

⁸⁹ See EXHIBIT K: October 1, 2018 Madea Interview, at 1 (Mr. Madea was asked about the following allegations by Searles: being beaten with a phonebook, being beaten with a phonebook and an object, having bruises on his chest, being denied access to the restroom, urinating on himself, hearing Rivera being beaten and screaming, and OPS taking pictures of injuries).

⁹⁰ TCROP 20.

⁹¹ TCROP 24.

⁹² TCROP29.

⁹³ *Id.*

⁹⁴ TCROP 29-30.

⁹⁵ TCROP36-37.

⁹⁶ TCROP39-40.

⁹⁷ TCROP 39.

⁹⁸ *Hear* EXHIBIT F: Searles TIRC Interview, at 52:00.

⁹⁹ *Hear* EXHIBIT F: Searles TIRC Interview, at 52:32.

¹⁰⁰ *Hear* EXHIBIT F: Searles TIRC Interview, at 52:50.

¹⁰¹ See EXHIBIT J: August 16, 2018 Madea Interview, at 1.

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ See EXHIBIT L: October 1, 2018 Madea Interview, at 2.

judges did not typically grant motions to suppress and he did not want to give the prosecution the opportunity to cross-examine his client before trial.¹⁰⁵ Instead, he used the suppression hearing to “interview” the detective and “get him on paper” before trial.¹⁰⁶

IV. People v. Searles.

a. Trial.

Searles’ case was tried before a jury on June 12-13, 2002. Padin pled guilty in her case and agreed to testify against Searles in exchange for a reduced sentence.¹⁰⁷ Det. Halloran also testified for the state.¹⁰⁸ During Det. Halloran’s cross-examination, Mr. Madea did ask questions about the size of the interrogation room,¹⁰⁹ whether Searles was given food,¹¹⁰ and if Searles was allowed to use the restroom while at Area 1.¹¹¹ However, Mr. Madea did not inquire as to any of the other allegations of abuse Searles had previously made against Det. Halloran.

At the conclusion of the trial, the jury found Searles guilty of attempted armed robbery and guilty of first-degree murder where the victim was sixty years of age or older.¹¹²

Investigation Regarding Lack of Testimony about Abuse at Trial.

As discussed above, Searles also testified at trial. He did not, however, testify about any allegations of abuse by Chicago police.¹¹³ In his interview with Commission staff, Searles stated that he might have discussed the abuse allegations while preparing to testify with Mr. Madea, but he thought they could not talk about these allegations since the court had already ruled on the motion to suppress.¹¹⁴

Mr. Madea told Commission staff that Searles did not testify about the abuse allegations at trial due to trial strategy.¹¹⁵ Their strategy at trial was to show that the stabbing was accidental and thus did not meet the elements of first-degree homicide.¹¹⁶ Mr. Madea felt there was no point in raising the issue.¹¹⁷ In a later interview, Mr. Madea explained further that Searles’ testimony at trial was very similar to what he told the police.¹¹⁸ Since Searles’ statement to police was going to be admitted at trial, there was little point in raising coercion claims again.¹¹⁹

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ See TCROP, 276, 349-50.

¹⁰⁸ See TCROP, at 405-41.

¹⁰⁹ TCROP, at 435-36.

¹¹⁰ TCROP, at 439.

¹¹¹ TCROP, at 440.

¹¹² TCROP, at 612.

¹¹³ Searles Direct Examination: TCROP, at 477-498; Cross-Examination: TCROP, at 498-528; Re-direct: TCROP, at 528-29.

¹¹⁴ *Hear* EXHIBIT F: Searles TIRC Interview, at 54:25.

¹¹⁵ See EXHIBIT J: August 16, 2018 Madea Interview, at 2.

¹¹⁶ *Id.*; See also EXHIBIT K: October 2, 2018 Madea Interview, at 2.

¹¹⁷ See EXHIBIT J: August 16, 2018 Madea Interview, at 2.

¹¹⁸ EXHIBIT K: October 2, 2018 Madea Interview, at 2.

¹¹⁹ *Id.*

b. Post-Trial Motions and Sentencing.

Mr. Madea filed a motion for a new trial on July 22, 2002.¹²⁰ The motion stated that “the Court erred in denying defendant’s Motion to Suppress Statements.¹²¹ It offered no facts or argument to support this assertion. The motion for a new trial was summarily denied by the court on August 5, 2002.¹²²

After hearing arguments, the court sentenced Searles to 60 years for the first-degree murder charge and 15 years for the armed robbery, to run consecutively.¹²³ Neither Mr. Madea nor Searles made any reference to the police abuse allegations at sentencing.

V. Appellate Matters.

a. Direct Appeal.

Searles appealed his conviction and sentence to the Illinois Appellate Court. With the assistance of counsel he argued that: 1) the court erred when it failed to give an involuntary manslaughter instruction; 2) the court erred when it did not give a conspiracy to commit robbery instruction sua sponte; 3) his sentence was excessive; 4) the court considered facts used to prove the crime as aggravating factors for sentencing, and 5) the sentences should not be served consecutively.¹²⁴ The appellate court affirmed both the conviction and sentence, and the Illinois Supreme Court followed by the U.S. Supreme court denied his petition for leave to appeal and his writ of certiorari, respectively.¹²⁵

Searles informed Commission staff that he reported his police abuse allegations to his appellate attorney.¹²⁶ However, that attorney told him there was not enough to raise the issue on appeal.¹²⁷

Investigation Regarding Statements to Appellate Attorney

Commission staff attempted to contact Searles’ appellate public defender, Andrea-Marie Monsees. Ms. Monsees passed away in 2015.

¹²⁰ See EXHIBIT P: *People v. Searles*, 00-CR-17512(02) Motion for a New Trial and In Arrest of Judgment, filed on July 22, 2002.

¹²¹ *Id.*

¹²² TCROP 619-20.

¹²³ TCROP 636.

¹²⁴ *People v. Searles*, No. 1-02-2598, 866 N.E.2d 713 (TABLE) (Ill. App. Ct. 2004); See also EXHIBIT Q: *People v. Searles*, No. 1-02-2598, (Third Division, March 31 2004); see also EXHIBIT R: *Searles v. Gaetz*, N. 07-c-3137, 2009 WL 1285977, at *2 (N.D. Ill. May 6, 2009) (order on federal habeas corpus petition in which the court describes the procedural background of Searles’ post-trial appellate efforts); see also *People v. Searles*, 823 N.E.2d 976 (Table) (Ill. Supreme Ct. Oct. 6, 2004).

¹²⁵ *Id.*

¹²⁶ Hear EXHIBIT F: Searles TIRC Interview, at 55:50.

¹²⁷ Hear EXHIBIT F: Searles TIRC Interview, at 56:30.

b. Petition for Post-Conviction Review

Searles filed a handwritten, pro se petition for post-conviction review (“PCR”) on March 10, 2005. In his petition, he raised the claim of ineffective assistance of counsel by Mr. Madea because he did not effectively prosecute the motion to suppress Searles’ statement.¹²⁸ Searles stated that he “was repeatedly beaten in the chest and arms and legs and was threatened in verbal ways.”¹²⁹ Searles also claimed that his video-taped statement was not accurate. He claimed that “they” stopped the tape during his statement a few times “to make sure [his] story was ‘right.’”¹³⁰ Searles argued that Madea should have put on experts to show that the video-taped statement had been altered and show that Searles’ body language on the video demonstrated that he was afraid of Det. Halloran.¹³¹

When asked by Commission staff whether he raised the torture allegations in his petition, Searles stated that he did not because he did not know much about the law.¹³² Additionally, Commission staff reviewed the video-taped statement and it does not appear to have been paused or edited.¹³³

On May 18, 2005, the court dismissed the PCR petition at the first stage.¹³⁴ The court found that Searles’ claim that Mr. Madea was ineffective for failing to argue the motion to suppress with sufficient vigor was “entirely conclusory” as he failed to provide any factual or documentary support.¹³⁵ The trial court did not evaluate Searles’ single sentence claiming that he was beaten in the chest, arms, and legs and was subject to verbal threats. Upon appeal, the appellate court affirmed the trial court’s dismissal and the Illinois Supreme Court denied leave to appeal further.¹³⁶

c. Pro Se Federal Habeas Petition.

Searles filed a pro se habeas petition pursuant to 28 U.S.C. § 2254 on May 27, 2007. Despite making almost all of the same claims for relief as in his PCR petition. However, Searles did not raise any allegations of police abuse in his habeas petition.¹³⁷

¹²⁸ See EXHIBIT S: *People v. Searles*, No. 00-CR-17515(02), Petition for Post-Conviction Review, filed March 9, 2005, at 2-3. Searles also alleged that Mr. Madea was ineffective because he failed to raise Searles’ mental health issues at trial, failed to investigate the crime scene, did not effectively cross-examine Padin, did not investigate the conduct of jurors and courtroom staff, and was too relaxed while representing Searles. *Id.*

¹²⁹ *Id.*, at 2.

¹³⁰ *Id.*, at 3.

¹³¹ *Id.*

¹³² Searles TIRC Interview, at 57:00.

¹³³ See, Ex. ___, Searles Video-taped Statement.

¹³⁴ See *People v. Searles*, No. 0-cr-17515(02), Order Dismissing Petition for Post-Conviction Review, decided May 18, 2005.

¹³⁵ *Id.*, at 5.

¹³⁶ *People v. Searles*, No. 1-05-2203, 927 N.E.2d 892 (TABLE) (Ill. App. Ct. 2006); *People v. Searles*, No. 1-05-2203, 861 N.E.2d 662 (TABLE) (Ill. 2006); see also *Searles*, 2009 WL 1285977, at *2 (describing procedural history of Searles’s petition for PCR).

¹³⁷ See EXHIBIT U, June 5, 2007 federal habeas petition; See also, generally, *Searles*, 2009 WL 1285977, at *8-9 (discussing Searles ineffective assistance claim which was focused on his allegation that his trial attorney failed to investigate whether Searles was fit to stand trial and his appellate attorney failed to raise this issue on appeal).

VI. Additional Investigation of Searles' Claims.

a. Searles Claim form and Correspondence.

Searles wrote to the Commission on July 17, 2013.¹³⁸ In that letter he alleged he and his co-defendants were “physically beaten, kicked, etc., as well as emotion[ally] and physically threatened with ones['] families being harmed and losing custody of children.”

Searles signed his claim form on August 1, 2013.¹³⁹ He alleged that he was tortured by Det. John Halloran, James Bland, and two unknown detectives. He provided a brief description of the alleged torture as follows:

“Closed fist to the chest, stomach and face. Handcuffed to the wall on handcuff rings while I was punched, slapped. Was not allowed to use bathroom or anything. Threatened my mother’s safety. A baton was used on my torso. Ma[i]nly consisted of closed fist and open hand slaps by John Halloran.”

He said that he made a statement as a result of the torture and that statement was used at trial. He also claimed that he told the ASA about the abuse and the ASA said that OPS would take photos.

b. Interview of Peter Karlovics.¹⁴⁰

Commission staff interviewed Peter Karlovics, the ASA who took Searles statement, on August 1, 2019. He stated that he remembered the case and remembered being surprised that there were two young women involved in this type of crime. He did not observe any marks on Searles, nor did he recall any circumstances that would have suggested that Searles had been tortured. Additionally, other than a general odor in the old building where Area 1 was headquartered, he did not recall any unusual smells when he entered in the interrogation room.

It was his standard practice to ask the police to step out so that he could speak to the suspect to ensure that had been treated well, allowed to go to the bathroom, and fed. He did this in every case.

He could only remember one case in which he was worried about the suspect’s welfare. In that case, police were questioning an older man about a hate crime. The air conditioning was running on high and the man was shivering. Mr. Karlovics refused to allow any investigation to continue until the police got a jacket for the man. Mr. Karlovics remembered a number of details from this incident.

Mr. Karlovics stated that he had not had much interaction with Det. Halloran. He believed other ASA’s thought highly of Det. Halloran, but he often had disagreements with Det. Halloran. These disagreements centered around strategies for witnesses appearing at grand jury proceedings.

¹³⁸ Letter from John Searles to TIRC, dated July 17, 2013.

¹³⁹ EXHIBIT D, Searles Claim Form.

¹⁴⁰ See EXHIBIT V Memorandum of August 1, 2019 Interview of Mr. Peter Karlovics by Commission Staff.

c. Interview of Ms. Frances Gutierrez.¹⁴¹

Commission staff interviewed Ms. Frances Gutierrez on August 6, 2019. Ms. Gutierrez is Searles' mother. She remembered that she spoke with Searles for the first time after his arrest approximately seven to ten days after he was arrested. At that time, he told her that he was hit in the head and beaten up by police. This conversation occurred by phone.

Ms. Gutierrez did not remember the first time she visited Searles at the Cook County jail. Initially, she did not remember anything unusual on these visits. When prompted, however, she did recall seeing that Searles had a black eye on her first or second visit to the jail.

She did not remember hearing that Searles was hit with a phone book but she did recall him telling her that the police hit him with objects. When I asked about the restroom, she remembered her son saying that the police would not let him use the restroom. However, she did not remember if he said anything about urinating on himself.

She thought that Searles may have talked to her about making a complaint about the police abuse. She remembered him trying to gather documents for the complaint after the trial. Upon prompting, she did recall talking to Searles about filing something with "internal affairs" but could not remember if he actually did.

d. Pre-sentencing Report.

Commission staff obtained a copy of Searles pre-sentencing report from the Cook County Clerk's Office. Searles was interviewed as a part of the report but did not make any statements or allegations related to police abuse. He reported having a difficult childhood with an abusive, heroin-addicted father.¹⁴²

e. Additional Information from Interview of Defense Counsel.

The public defender's records for Searles' case contained a letter to the Cook County jail requesting that Dr. John Sturman be permitted to visit Searles to help Mr. Madea prepare his defense.¹⁴³ Dr. Sturman was a mitigation specialist who was hired to by the public defender in case a defendant was found guilty in a capital murder trial.¹⁴⁴ The state eventually stated that they were not seeking the death penalty in Searles' case.¹⁴⁵

¹⁴¹ See EXHIBIT W: Memorandum of August 6, 2019 Interview of Ms. Francis Gutierrez.

¹⁴² *Id.*, at 4.

¹⁴³ EXHIBIT XX: November 21, 2000 Letter from Shelton Green, Chief, Murder Task Force to Cook County Department of Corrections, attached as Exhibit __.

¹⁴⁴ EXHIBIT L, October 1, 2018 Madea Interview, at 1.

¹⁴⁵ TCROP, at 4, 77.

f. Medical Records.

As noted above, Commission staff obtained Searles' medical records from his time at the Cook County jail. Apart from the intake sheet, the medical records do not contain any information relevant to the Commission's investigation.

The record of proceedings does show that Searles had a broken jaw and his mouth was wired shut during trial.¹⁴⁶ Although such an injury would be substantial evidence of torture, the medical records clearly demonstrate that the injury to Searles' jaw occurred while he was in jail in May 2002 and not during the investigation of his case in June 2000.

g. Allegations of Abuse by Co-Defendants.

Based on the record of proceedings, Rivera did not make any claim with the court that she was abused. Her case summary indicates that she did not file a motion to suppress at any point and that she pled guilty on September 24, 2001.¹⁴⁷ She did file a petition for post-conviction relief, although she did not make any allegation of abuse in this petition either.¹⁴⁸

Padin, as discussed above, also pled guilty. However, she did file a motion to quash arrest and suppress evidence. In the motion, Padin argues that she was illegally arrested when police placed her in custody without a warrant.¹⁴⁹ Padin did not allege that she was abused or tortured in any way. The motion was filed on August 13, 2001, and denied by the court on August 15, 2001.¹⁵⁰ There was no hearing.

VII. Pattern and Practice.

a. Detective John Halloran¹⁵¹.

Det. Halloran has had over 31 complaints lodged against him with police disciplinary bodies or courts.

Most significantly, Defendants Harold Hill, Dan Young and Peter Williams gave confessions to detectives Halloran and Kenneth Boudreau in the Kathy Morgan murder. However, before Williams was charged, police discovered he had been incarcerated at the time of the murder, and charges against him were dropped, but proceeded against Hill and Williams, who were convicted. Hill alleged in a civil lawsuit that Halloran did nothing as Boudreau slapped and punched him to secure a confession. After DNA testing years later showed someone else's DNA

¹⁴⁶ TCROP, at 205-06, 477.

¹⁴⁷ See EXHIBIT Y, *People v. Evelyn Rivera*, Cook County Circuit Court No. 00-CR-17515(01), Clerk's Summary Index.

¹⁴⁸ See EXHIBIT Z: *People v. Rivera*, Cook County Circuit Court No. 00-CR-17515(01), *Pro se* Relief of Judgment Petition.

¹⁴⁹ See EXHIBIT AA: *People v. Padin*, Cook County Circuit Court No. 00-CR-17515(03), Motion to Quash Arrest and Suppress Evidence.

¹⁵⁰ See EXHIBIT BB: *People v. Padin*, Cook County Circuit Court No. 00-CR-17515(03), Clerk's Summary Index, attached as Exhibit __.

¹⁵¹ See EXHIBIT CC: TIRC Summary of complaints against Det. John Halloran.

under Morgan's fingernails, their convictions were vacated and the state dropped all charges. Hill received a \$1.25 million settlement from the City of Chicago, and he took the extra step of insisting Halloran pay \$7,500 out of his own pocket to settle the suit.

A lawsuit by acquitted defendant Frederick Ewing was settled for an undisclosed amount after Ewing lost a motion to suppress that alleged detectives Boudreau and Halloran physically abused him to get a confession. However, Ewing was acquitted at trial.

An attorney, Kenneth Cummings, alleged Halloran unconstitutionally entered his home, held him against a wall and called him racial slurs. He filed suit and judgment was entered in his favor in the amount of \$12,000.

Other allegations of physical abuse have been lodged by defendants Johnny Plummer, Halloran's wife Karen Halloran (later withdrawn), Clayborn Smith, Emmet White, Nevest Coleman, Derrell Fulton, Derrick Flewellen, Christopher Neal, and Marcellous Pittman,

A court in threw out some statements taken from a defendant in 2008 after finding that Halloran had not followed state statutes requiring videorecording of the statement.

b. Detective Frank Valadez¹⁵².

Searles does not allege that Det. Valadez abused or tortured him in any way. However, Det. Valadez was Det. Halloran's partner at this time and might be the "good cop" detective that Searles referred to during his interview with Commission staff.

Valadez has 23 complaints against him alleging misconduct, including four (Mattox, Matlock, Davis, Scott & Ybarra/Cruz) alleging excessive force, one alleging he used physical abuse to secure a confession (Flewellen) and one alleging he used threats to secure a confession (Darnell Chess). In addition, Valadez has been sued as part of the "Englewood Four" lawsuit brought by four men initially convicted of the rape and murder of Nina Glover. The complaint in the lawsuit is not clear as to what conduct is specifically alleged against Valadez. The four defendants in that case, Harold Richardson, Michael Saunders, Terrill Swift and Vincent Thames after DNA evidence found on the body linked another suspect with a history of violence and rape to the crime. During an FBI investigation into the case, a state's attorney who worked the case told the FBI that he witnessed other detectives besides Valadez rehearse statements with suspects and that another detective in the case circulated cheat sheets among detectives and state's attorneys in order to produce consistent testimony between them. The former ASA made no allegations against Valadez specifically, although Valadez participated in the investigation and took the statement of one of the men convicted. The lawsuit by the four former defendants, who were exonerated of charges, is still pending.

¹⁵² See EXHIBIT DD: TIRC Summary of complaints against Det. Francis Valadez.

LEGAL ANALYSIS

I. Legal Standard.

Section 40(d) of the Illinois Torture Inquiry and Relief Act empowers the Commission to conduct inquiries into claims of torture.¹⁵³ A “claim of torture” means an allegation on behalf of a living person convicted of a felony in Illinois asserting that they were tortured into confessing to a crime for which the person was then convicted.¹⁵⁴ The tortured confession must be used to secure the confession.¹⁵⁵ There must also be “credible evidence” related to the allegation of torture.¹⁵⁶ Lastly, the conviction must have occurred within a county having more than 3,000,000 inhabitants.¹⁵⁷

If five or more Commissioners 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. Alternately, if four or more Commissioners conclude by the preponderance of evidence that there is insufficient evidence of torture to merit judicial review, then the claim shall be dismissed.

The Commission was not tasked with conducting full, adversarial evidentiary hearings to determine the likelihood that torture occurred or to make final findings of fact. That role remains with the courts. Instead, the Commission has interpreted Section 45(c) to require it to determine whether sufficient evidence of torture exists to merit judicial review.¹⁵⁸

II. Analysis of Claim.

a. Factors supporting Searles claim of torture.

- John Halloran’s record of numerous complaints, several involving men later acquitted, is highly concerning. His history weighs in favor of Searles’ claim.
- Searles claims of torture are somewhat supported by his motion to suppress and his post-conviction petition alleging abuse.
- His mother’s interview partially corroborated his claims that he told her of abuse.

b. Factors detracting from Searles’ claim of torture.

- The significant growth in Searles’ claims severely detracts from his credibility. Searles’ 2002 motion to suppress alleges only that he was hit in the chest, which was apparently not

¹⁵³ 775 ILCS 40/40(d).

¹⁵⁴ 775 ILCS 40/5.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ 2 Ill. Adm. Code 3500.385(b)(1).

raised again in his direct appeal. His 2005 post-conviction petition alleged that he was beaten in his chest, arms and legs, without further elaboration. His claim form with TIRC alleged in 2013 that he was hit in the chest, stomach and face and denied use of the bathroom and his mother's safety was threatened. The claim form also alleged for the first time he was hit in the torso with a baton. In his 2018 interview, the baton claim was not repeated. Instead, he alleged he was spread eagle and beaten to the point of blurred vision with a book containing some sort of object inside it, denied bathroom use until he urinated on himself, and that the state's attorney participated in stopping and starting his confession videotaping session so they could get him to change details of the confession. Searles stressed the beating with the phonebook was what broke him and made him confess.

- Several details alleged by Searles could not be verified or are disproven by the available evidence.
 - Searles claimed he had been interviewed by medical intake staff at the jail and demonstrated chest bruises to them, which they noted so that sheriff's deputies would not be blamed by the abuse. However, the 'bruise sheet,' or medical intake form indicates no bruising on Searles and no complaints of police abuse. The sheet does note tattoos and scars on various parts of his body, as well as a notation of something on the right hand (possibly "scratches"), indicating it was not a perfunctory exam.
 - Searles claimed that he could hear his co-defendant being beaten in the next room. However, she lodged no motion to suppress.
 - Searles claimed his videotape was stopped several times during his confession. However, a viewing of the confession shows no obvious stopping.
 - Searles claimed he filed a complaint with the Office of Professional Standards about his abuse, and that photographs were taken of him in lockup by OPS. However, no record of any complaint was found, and although some photographs of Searles were found in police records, they appeared to have been taken by a CPD evidence technician to demonstrate offensive wounds on his hands and are part of CPD records, not any OPS file. The same minor injuries photographed are also noted in the medical intake form.
 - Searles' attorney, Frank Madea, did not have an independent memory of what Searles told him about abuse allegations, but believes he would have put further details of abuse into the motion to suppress had Searles told him about them.
 - Searles claimed he urinated on himself, but an interview of the Assistant State's Attorney could not corroborate this.
- The need for a confession to secure a conviction was somewhat lessened (although not completely eliminated) by the significant evidence recovered at the crime scene and obtained in statements against Searles by his co-defendants.

c. Weighing the evidence.

The very, very significant growth of Searles' story is troubling, and casts even his initial allegations into doubt. While this Commission has noted in other cases that there is invariably some drift in details over time, Searles' changing story seems more like fabrication than memory shifts. In particular, his claims that a medical intake record (which Searles may have believed

would never be found at this late date) would corroborate his allegations seem especially damaging to his assertions.

Despite filing the motions to suppress, testifying at trial, and engaging in substantial post-trial litigation (discussed further below), the first time Searles mentioned being beaten by a phone book was during his interview with Commission staff. This is a significant point because he told Commission staff that the single session of abuse involving the phone book is what broke him and made him agree to cooperate. It seems highly unlikely that Searles would not raise the most painful and coercive abuse he experienced until 18 years later, despite multiple opportunities to do so.

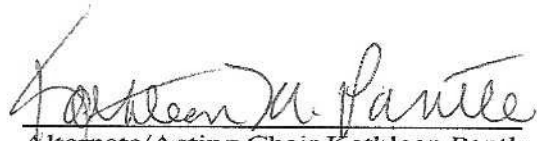
In the end, the Commission cannot surmount Searles' significant credibility issues with just Detective Halloran's reputation.

CONCLUSION

Pursuant to 775 ILCS 40/45(c), the Commission concludes by a preponderance of the evidence that there is insufficient credible evidence of torture to merit referral of this claim for judicial review. This determination shall be considered a final decision of an administrative agency for purposes of administrative review under the Administrative Review Law (735 ILCS 5/3-101).¹⁵⁹

The Commission instructs its executive director to file its written findings and conclusion with the court and to notify Mr. Searles of its decision to deny referral of his claim to court. It further instructs him to notify Mr. Searles of his right to judicial review of the Commission's decision under the Illinois Administrative Review Law.

Date: December 16, 2020


Alternate/Acting Chair Kathleen Pantle

¹⁵⁹ See 775 ILCS 40/55(a) of the TIRC Act. Although this determination does not concern a "contested case" as defined in Section 1-30 of the Illinois Administrative Procedures Act (5 ILCS 100/1-30) because no opportunity for a hearing is required (see 775 ILCS 40/45(a)), the Commission notes that the rules of the Commission do not require any motion or request for reconsideration before appeal under the Administrative Review Law, and notes that the service address of interested parties is listed in the Notice of Filing certificate that accompanies the filing of this determination with the Court.