

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Lorenzo Hall

TIRC No. 2013.195-H
(Relates to Cook County
Circuit No. 05-CR-173)

SUMMARY DISMISSAL AND SPECIAL ORDER

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

1. Claimant Lorenzo Hall was convicted of the October 14, 2004 shooting and attempted murder of Paul Arteaga.
2. On or about November 14, 2013, Mr. Hall filed with the Commission a claim form alleging that he was kicked, choked and squeezed about the head by Detective Daniel McNally while the detective’s partner watched.¹ He also alleged the detective placed him in a “bear hug until it felt as if my ribs had cracked,” all in an effort to elicit a statement from Mr. Hall.²
3. These allegations are similar to a complaint filed with the Office of Professional Standards (“OPS”) on Mr. Hall’s behalf on November 25, 2004—two days after Mr. Hall’s arrest, accusing a Detective “Milacky” with almost identical abuse.³

Hall stated that while he was in an interview room in Area 1, 5101 S. Wentworth, on 23 Nov 2004, at 1430, a Detective Milacky came into the room and kicked him in the left leg. This same detective then choked him. Hall further stated that this detective grabbed the back of his head, and his face, and squeezed them together. HALL fell down, and the detective grabbed him by the neck, lifted him up, grabbed him in a bear hug, and squeezed. The detective then kicked him in the right side, then left the room. ... Complainant, HALL was taken to Illinois Masonic Hospital for treatment.⁴

4. During a pretrial hearing on his motion to quash arrest, Mr. Hall attempted to subpoena two witnesses, an employee for OPS and an employee in the emergency room of the Illinois Masonic Medical Center, to testify on the issue of his abuse by the police.⁵ The court denied this request.⁶
5. During his bench trial, where Mr. Hall proceeded pro se, Mr. Hall attempted to cross-examine Detective McNally on whether the detective recalled seeing Mr. Hall with a

¹ See EXHIBIT A: TIRC Claim Form of Lorenzo Hall. McNally identified his partner as Detective Cibas in trial testimony. See EXHIBIT B, Record of Proceedings of November 3, 2005, 0-31.

² See EXHIBIT A: TIRC Claim Form of Lorenzo Hall.

³ See EXHIBIT C: TIRC Claim Supplement submitted by Lorenzo Hall at pg. 4 of 23-page .pdf.

⁴ *Id.*

⁵ See EXHIBIT D: *People v. Lorenzo Hall*, Report of Proceedings of a Pre-Trial Hearing on July 5, 2005, at F-8 to F-10.

⁶ *Id.* (EXHIBIT D) at F-10 to F-11.

swollen eye or blood on his clothing.⁷ When Detective McNally denied seeing Mr. Hall as described, Mr. Hall entered into evidence a photo⁸ that was taken the night of his arrest where there is blood on Mr. Hall's shirt but, according to Detective McNally, no visible bruises on his face.⁹

6. Mr. Hall also testified that an "officer hit [him], then he kicked [him] and he choked [him]. And he made some threats and he left."¹⁰ On cross-examination, Mr. Hall clarified that Detective McNally was the officer who abused him.¹¹
7. On his claim form, Mr. Hall marked "no" in response to a question asking whether the prosecution claimed Mr. Hall had made statements to the police or an assistant state's attorney. He left blank a question asking whether the prosecution introduced those statements at trial.
8. TIRC Staff obtained and reviewed the entirety of the transcripts of Mr. Hall's trial to determine whether the prosecution introduced Mr. Hall's statements into evidence.
9. Mr. Hall represented himself and successfully litigated a motion to quash arrest. During the hearing on the motion to quash, the court agreed to suppress evidence which included a lineup identification because of a lack of probable cause for Mr. Hall's arrest.¹² Mr. Hall made no argument that his statements to the police (if any existed) should also be suppressed.¹³
10. The State did not introduce any statements by Mr. Hall during its case-in-chief. When Mr. Hall took the stand, he attempted to recount his prior statements to the police.¹⁴ The State objected and the objections were sustained.¹⁵

- a. The statements that Mr. Hall recounted were exculpatory in nature:

Mr. Hall: Once I got to the police station they [the police] took me in a room and handcuff me [sic] to the wall. They started asking me questions about a shooting. I am like, I don't know what you are talking about.

[State]: Objection.

Court: Sustained.

⁷ See EXHIBIT B: *People v. Lorenzo Hall*, Report of Proceedings of Bench Trial on November 3, 2005, at O-31.

⁸ See EXHIBIT G: Court file mugshot photograph of Mr. Hall believed to be the photographs exhibited in court.

⁹ *Id.* at O-35 to O-36.

¹⁰ *Id.* at O-48.

¹¹ *Id.* at O-49.

¹² See EXHIBIT E: *People v. Lorenzo Hall*, Report of Proceedings of a Pre-Trial Hearing on July 11, 2005, at G-77 ("So the bottom line is if I [the Court] grant your motion here the only thing that gets suppressed is the lineup identification.").

¹³ *Id.*

¹⁴ See EXHIBIT B: *People v. Lorenzo Hall*, Report of Proceedings of Bench Trial on November 3, 2005, at O-46 to O-47.

¹⁵ *Id.*

Hall: Well, officers asked me questions. I told them I didn't know what he was talking about.

[State]: Objection.

Court: Sustained.¹⁶

11. In the court's ruling, the court further noted that there were no incriminating statements used to convict Mr. Hall:

[W]hat results from this allege [sic] beating that the defendant says he gets at the hands of Detective Mc Nally. Any evidence offered against him? No. Not one shred of evidence offered against him. Not one word out of his mouth. Not any piece of physical evidence. Not even any really testimony from Detective Mc Nally that incriminates him. Nothing results from this alleged abuse that he suffers at the hand of Detective Mc Nally. (emphasis added)¹⁷

12. On October 6, 2020, the Commission Staff wrote to Mr. Hall, informing him that the Commission intended to summarily dismiss his claim due to a lack of jurisdiction since Mr. Hall's mistreatment did not result in a self-incriminating statement that was then used to obtain his conviction.¹⁸ The letter invited Mr. Hall to contact the Commission if he could show his own statement was somehow used to obtain his conviction. No response was received.

ANALYSIS

The Illinois Torture Inquiry and Relief Act empowers the Commission to investigate Claims of Torture, which the Act defines as:

* * * a claim on behalf of a living person convicted of a felony in Illinois asserting that he was tortured into confessing to the crime for which the person was convicted *and the tortured confession was used to obtain the conviction* and for which there is some credible evidence related to allegations of torture occurring within a county of more than 3,000,000 inhabitants. 775 ILCS 40/5(1) (emphasis added).

Section 40(a) of the TIRC Act provides that the "Commission may informally screen and dismiss a case summarily at its discretion."

Mr. Hall did not provide an inculpatory statement to the police that would constitute a confession. Instead, the statements that Mr. Hall attempted to introduce at trial were exculpatory in nature as they denied any knowledge of the crime. Moreover, Mr. Hall's statements were not allowed into evidence and were not used against him to obtain his conviction.

¹⁶ *Id.*

¹⁷ *Id.* at O-94.

¹⁸ See EXHIBIT F: Oct. 6, 2020, Letter from Rob Olmstead, TIRC Director, to Lorenzo Hall.

While the Commission does not condone police misconduct of any kind, the plain language of the TIRC Act limits this Commission's jurisdiction to those instances in which a defendant claims that he was tortured into giving a statement *against* himself *and* that statement is subsequently used to obtain his conviction.¹⁹ Because no tortured statement by Mr. Hall was used to obtain his conviction, the Commission is without jurisdiction in this matter.

SPECIAL ORDER

Although the Commission has no jurisdiction to refer this claim to court because Mr. Hall's statements were not used to obtain his conviction, it takes special notice of the evidence of abuse in Mr. Hall's court file and provided by Mr. Hall.

The TIRC Act provides that "Evidence of criminal acts, professional misconduct, or other wrongdoing disclosed through formal inquiry or Commission proceedings shall be referred to the appropriate authority." 775 ILCS 40/45(d).

Mr. Hall has presented evidence that he filed a complaint with the Office of Professional Standards immediately upon being returned from Area 1 to the lockup at District 19 at Belmont and Western Avenues. Hall provided the Commission with Documents purported to be from the Office of Professional Standards (OPS) Complaint Register File No. 302171. Although the Commission no longer has the jurisdiction to verify these documents as being genuine by subpoenaing the OPS file, the documents appear authentic and resemble most other OPS files the Commission has seen. A TO-FROM report in the file indicates that 19th District personnel took Hall to Illinois Masonic Hospital for treatment and that an evidence technician, P.O Blakely #18235, took photographs of Mr. Hall.²⁰

Although it is not known whether the OPS documents Hall provided TIRC are a complete copy of OPS CR File No. 203171, no Illinois Masonic records were provided to TIRC, nor were any photographs that were taken by P.O. Blakey.

However, court exhibit photographs taken at Area 1 of a lineup photograph and a mug shot of Mr. Hall do exhibit the apparent blood on his shirt and collar that were referenced in court testimony.²¹ Further, it does not appear that OPS' investigation ever identified Det. Daniel

¹⁹ See *In re Marcus Wiggins* (Aug. 19, 2020) (summary dismissal because Mr. Wiggins claimed that other witnesses were tortured into giving statements against him and though Mr. Wiggins alleged that he himself was tortured and provided a statement to the police, his statements were ultimately exculpatory in nature and were not used against him at his trial); *In re Daniel W. Makiel* (Dec. 17, 2019) (summary dismissal because Mr. Makiel claimed that other witnesses were tortured into giving statements and testifying against him); *In re: Bobby Cooks* (Aug. 21, 2019) (summary dismissal because Mr. Cooks, though tortured, did not make any statement in response to torture); *See In re: Claim of James Sardin* (June 17, 2014) (summary dismissal because Mr. Sardin claimed only a witness, and not himself, was tortured into giving a statement that was used to convict Mr. Sardin).

²⁰ See EXHIBIT C: TIRC Claim Supplement submitted by Lorenzo Hall

²¹ See EXHIBIT H: Blown-up images of Hall's head and collar from People's Exhibit 1, a lineup photograph, and a blown-up image of the mugshot photograph of Hall found in the courtfile (EXHIBIT G) that is believed to be the photograph Hall presented to Detective McNally during trial.

McNally as the complained-of detective since Hall identified a detective “Milacky” as the detective who abused him. Hall’s arrest report, however, does identify Det. McNally as the detective who removed him from District 19 and took him to Area 1, as does court testimony.

Moreover, from the Investigator’s Case Log supplied by Mr. Hall, it does not appear that OPS’ investigation ever progressed to any significant degree because it was administratively closed when investigators could not reach Mr. Hall at his home address to sign a sworn affidavit. That Mr. Hall could not be reached at home is unsurprising, since he was in Cook County Jail at the time on the underlying crime McNally interrogated him about. The Log does not indicate that investigators ever obtained any medical records from Illinois Masonic Hospital.

The one-page report closing the OPS investigation noted that “should the complainant/victim sign the Sworn Affidavit or additional information/evidence become available, this investigation can be reopened.”

At trial, Mr. Hall contended his photographs demonstrated bruises on his face, an assessment with which Det. McNally disagreed. McNally did acknowledge blood on Mr. Hall in the photograph, however. The photograph²² exhibits a discoloration on Mr. Hall’s left cheek that may or may not be a mark, or may be a shadow or something else altogether. A more current IDOC photograph shows no similar discoloration in the same area.²³

Because the court testimony that was rendered after OPS closed its file, the Illinois Masonic Medical Records, and the Area 1 photographs all constitute additional evidence likely not previously available to OPS, the Commission orders its Executive Director to fulfill the Commission’s obligation under Section 45(d) of the TIRC Act by sending a copy of this order as well as all court files and submissions from Mr. Hall to the Civilian Office of Police Accountability as evidence of possible police misconduct. The Commission urges COPA to consider whether it wishes to reopen the investigation. Further, if P.O. Blakey’s photographs were preserved, they may be clearer than the Area 1 pictures available and may offer additional evidence as to whether or not Mr. Hall’s face was or was not bruised.

CONCLUSION

The Commission summarily dismisses Mr. Hall’s claim and instructs the Executive Director to notify Mr. Hall of the dismissal and his right to judicial review under the Illinois Administrative Review Law. This determination shall be considered the final decision of an administrative agency for purposes of administrative review under the Administrative Review Law (735 ILCS 4/3-101).²⁴

²² See EXHIBIT G: Court file mugshot photograph of Mr. Hall believed to be the photographs exhibited in court.

²³ See EXHIBIT I: IDOC photograph downloaded Oct. 16, 2020.

²⁴ 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 under the TIRC Act (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

It further orders its Executive Director to forward this determination and special order, as well as its file on Mr. Hall's claim, to the Civilian Office of Police Accountability for their consideration and possible re-investigation.

Dated: October 21, 2020


Kathleen Pantle, Alternate/Acting TIRC Chair

interested parties is listed in the Notice of Filing certificate that accompanies the filing of this determination with the Court.