



**STATE OF ILLINOIS
TORTURE INQUIRY AND RELIEF COMMISSION REGULAR MEETING
December 16, 2020, 3:00 p.m.**

Virtual Meeting
held via WebEx Software

MINUTES

PRESENT:

Commissioners Present

Alternate Chairwoman Kathleen Pantle
Commissioner Robert Loeb
Commissioner James Mullenix
Commissioner Barry Miller
Commissioner Tim Touhy
Alternate Commissioner Autry Phillips
Commissioner Marilyn Baldwin
Commissioner Stephen Thurston
Alternate Commissioner Craig Futterman

Staff Present

Rob Olmstead (Executive Director)
DeAndrea Brown
Jordan Blumenthal
Luana Montoya
Aryn Evans
Katarina Durcova
Anthony Marin

I. Call to Order/Members Present

On December 16, 2020, at approximately 3:00 p.m., the meeting of the Illinois Torture Inquiry and Relief Commission (TIRC or Commission) was called to order. Present were commissioners noted above. A quorum was achieved. Acting/Alternate Chair Pantle noted that, pursuant to Gov. Pritzker's Executive Order and a determination that an in-person meeting would be impractical and imprudent due to the COVID-19 pandemic, the meeting was being held virtually via video conference.

II. Approval of Minutes

Chair Pantle noted that due to the August 2020 minutes not being ready for approval at the previous meeting, Commissioners were making considerations for both August 19, 2020 Open and Closed Session Minutes and October 21, 2020 minutes.

Chair Pantle suggested a correction on page two of the August 19, 2020 open session minutes. Director Olmstead noted the change. Chair Pantle called for a motion to approve the August 2020 open and closed session minutes. A motion was made by Commissioner Loeb and seconded by Commissioner Baldwin to approve the August 2020 open and closed session minutes with the one correction on page two of the open session minutes. The minutes were unanimously approved by roll-call voice vote.

Chair Pantle called for a motion to approve the October 21, 2020 minutes. A motion was made by Commissioner Baldwin and seconded by Commissioner Mullenix to approve the October 21, 2020 minutes. The minutes were unanimously approved by roll-call voice vote.

III. Executive Director's Report

Director Olmstead was happy to introduce to Commissioners TIRC's 5 new staff members; Jordan Blumenthal, Luana Montoya, Aryn Evans, Katarina Durcova, and Anthony Marin. Director Olmstead informed Commissioners of each staff attorney's role and read brief biographies for each new employee. Director Olmstead also introduced the additional attorneys that were present at the meeting and expected to start with TIRC January 19, 2021.

Olmstead asked if there were any questions. Commissioners welcomed new staff.

IV. Chief Financial Officer's Report

HRC CFO Dr. Ewa Ewa informed Commissioners that the request for TIRC's 2022 budget was made and waiting for approval.

V. Claims

1) Searles, John, 2013.165-S

Director Olmstead noted that crime victim notifications were sent out in this case. He mentioned that if any family members of the victim were present, they would be allowed to address commissioners before a vote. He also noted that Searles and his attorney were notified and if any of Searles' family members wanted to address commissioners; they would be allowed to do so before the vote. Olmstead informed commissioners of a small addition to the draft highlighted on page 19. Director Olmstead gave commissioners a moment to read over the highlighted changes.

Director Olmstead stated the facts of the case. He informed commissioners of the June 24, 2000 stabbing death of 72-year-old Anthony Leyva in which Searles and his two friends, Evelyn Rivera and Vanessa Paden were convicted. All three defendants were taken into area one headquarters around 10:30 p.m. the night of the murder. Detectives John Halloran and Francis Valadez questioned the three. Searles initially denied involvement in the crime, then admitted to stabbing Leyva. Searles gave a videotaped confession at 8:47 a.m., approximately 10 hours after he had arrived at the police station. Det. Halloran and Assistant State's Attorney Peter Karlovic took the videotaped statement.

Olmstead informed commissioners that during pre-trial motions, Searles' attorney, assistant public defender Frank Madea, filed a motion to suppress the statement that Searles had given. The written motion claimed Miranda violations, being hit by Detective Halloran in the chest, and an involuntary confession. Olmstead informed commissioners that an amended motion to suppress was filed adding allegations that Searles was threatened with the death penalty during interrogation, and that two detectives had interrogated him using the "good cop, bad cop" method. Halloran was the only one to testify at the suppression hearing and denied the allegations. The motion was denied. Olmstead informed commissioners that at trial, Searles did take the stand and did not raise any abuse allegations, but instead argued the stabbing was accidental. He was convicted and sentenced to 60 years in prison. Searles did not allege abuse in his direct appeal, but alleged in a post-conviction petition he was repeatedly beaten in the chest and arms and threatened. The petition was denied, and in a 2007 habeas petition, Searles did not mention any abuse allegations. In his 2013 claim form with the Commission, Searles again claimed the beating and added that he had been kicked as well and beaten with a baton. In his interview with TIRC, he added that he could hear Evelyn Rivera being beaten and that Halloran spread him eagle and beat his chest with a phone book containing an unknown object, and that Searles had urinated on himself. He also said he told jail medical personnel of his beating at intake, and that bruises on his body were visible. Investigation turned up the jail medical intake form, which contained a detailed history of Searles' medical conditions, but no allegations of abuse or notations of bruising. Olmstead recommended Commissioners not refer the claim because of the vast changes in Searles' story, as well as affirmative medical evidence disproving his claim his injuries were documented. In addition, he noted that the co-defendant Searles had claimed to hear being beaten had not filed any motion to suppress.

Commissioners Loeb, Mullenix, Futterman, Baldwin and others made comments and asked questions regarding the facts of the case.

Searles' mother and his attorney also addressed the commission, urging Commissioners to refer the claim to court. No relatives of the victim were present.

Commissioners then voted by a roll call vote of 7 to 0 to deny the claim.

VI. Setting of Regular Meeting Calendar for 2021

Commissioners set the following regular meeting dates for 2021:

February 17, 2021
April 21, 2021
June 16, 2021
August 18, 2021
October 20, 2021
December 15, 2021

VII. Resolutions Honoring Outgoing Commissioners

Director Olmstead thanked Alternate Commissioner Craig Futterman for his hard work and dedication to TIRC. Commissioner Loeb thanked Futterman for his dedication as well. Chair Pantle thanked Futterman for his time with the Commission. Futterman stated that it was an honor to serve and

expressed his gratitude for the opportunity. Commissioner Barry Miller thanked Futterman for his service. Chair Pantle read the resolution honoring him. Chair Pantle called a voice vote to agree with resolution. Commissioners unanimously agreed to the resolution for Craig Futterman.

Director Olmstead thanked Commissioner Steven Miller for his service. He stated that he was always prepared and brought good points to the consideration of cases. Director Olmstead stated for the record that Steven Miller's resolution was the exact same as Futterman. Chair Pantle called a vote to agree with the resolution. Commissioners unanimously agreed with the resolution of Steven Miller.

VIII. Public Comment

The chair called for public comments. There were none.

Director Olmstead informed Commissioners that Jerry Wynn, another new staff member of TIRC had joined the meeting. Mr. Wynn introduced himself to commissioners.

Olmstead also mentioned that Alternate Commissioner Autry Phillips joined the meeting and should be recorded as present.

IX. Adjournment

Commissioner Thurston moved to adjourn; Commissioner Baldwin seconded. The commission voted unanimously by roll call to adjourn.