

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
)
)
vs.)
)
)
Jacquelyn G. Anderson)
Cook County Deputy Sheriff)

Docket # 1850

DECISION

THIS MATTER COMING ON to be heard pursuant to notice, the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction:

The Respondent's, Jacquelyn G. Anderson, (hereinafter "Respondent") position as a Cook County Deputy Sheriff involves duties and responsibilities to the public; and Each member of the Cook County Sheriff's Merit Board, hereinafter "Board," has been duly appointed to serve as a member of the Board pursuant to confirmation by the Cook County Board of Commissioners, State of Illinois, to sit for a stated term; and The Board has jurisdiction of the subject matter and of the parties in accordance with Chapter 55 of the Illinois Compiled Statutes; and The Respondent was personally served with a copy of the Complaint and Notice of Hearing and appeared before the Board to contest the charges contained in the complaint; and The Board has heard the evidence presented by the Sheriff and the Respondent, and evaluated the credibility of the witnesses and supporting evidence. After considering the evidence, the Board finds as follows:

Background:

By complaint dated November 25, 2015, the Cook County Sheriff Thomas J. Dart sought the separation from employment of Respondent. The complaint alleges that Respondent from May 1996 through the date this complaint was filed, associated with [REDACTED], a person she knew or should have known had a criminal record and was a convicted felon and a gang member. The Complaint further alleges that from December 17, 2014, Respondent failed to report to the Cook County Sheriff's Office and or the CCDOC that she associated with [REDACTED], a person she knew or should have known had a criminal record and was a convicted felon and gang member. It further alleges that between 1995 and 2008, Respondent received phone calls from [REDACTED] while he was incarcerated at the Illinois Department of Corrections and failed to report those calls to the CCSO and or the CCDOC. The complaint further alleges that between January 18, 1992 and September 30, 1994 while [REDACTED] was in the custody of CCDOC he was housed in Division IX of the CCDOC on at least one occasion while Respondent was assigned to work in that same division. The complaint further

states that on May 12, 1995; June 3, 1995; June 17, 1995; July 7, 1995; July 17, 1995; July 23, 1995; August 19, 1995; September 7, 1995; September 15, 1995; and October 27, 1996 Respondent visited [REDACTED] at IDOC, a penal institution, for the purpose of visiting an inmate of that institution without first notifying the CCSO and or the CCDOC. The complaint states that Respondent failed to notify the CCSO and/or the CCDOC that [REDACTED] lived with her at [REDACTED] upon his release on parole in 2008. Further, the complaint states that as of October 1, 2008, IDOC records listed Respondent as [REDACTED] fiancé and that the Chicago Police Department Citizen and Law Enforcement Analysis and Reporting records show him to be a member of the [REDACTED] and holds a position of leadership within the street gang. The complaint states that Respondent was interviewed on December 17, 2014 and provided a signed statement to investigators from the Cook County Sheriff's Office of Professional Review ("OPR"). In that statement Respondent admitted to the following: that Respondent received telephone calls from [REDACTED] while he was incarcerated at the IDOC; that she visited [REDACTED] while he was incarcerated at the IDOC; that she failed to provide written notice to her superintendent informing the CCSO that she visited [REDACTED] while he was an inmate; that she believed she worked in Division IX at the same time that [REDACTED] was housed in Division IX of the CCDOC; that [REDACTED] lived with her at the [REDACTED] address around October 2008 but that she was unaware that he was on parole at that time; and that on June 1, 1989, Respondent signed the conditions of employment agreement and thereby agreed that she would "abide by the Department's General Orders and Procedures." The complaint alleges that this violated several rules and regulations of the Cook County Sheriff's Department, and the Cook County Sheriff's Merit Board, specifically: General Order 3.8 Code of Ethics I. B.1d.,2c, C; General Order 3.8 Rules of Conduct I., II.A., B., III.A.4.,B.18.,D.6.,G.; and Sheriff's Order 11.2.20.0 Rules of Conflict I., II., III., VI.a.2., B. 1., 2., 4.a., b., D.9.a., b., E.1.b.ii., H.2., and the Cook County Sheriff's Department Merit Board Rules and Regulations, Article X, Paragraph B, 3.

Issues Presented: Whether the actions of the Respondent violated any of the General or Sheriff's orders or Merit Board Rules set forth above and what if any discipline is appropriate if a violation occurred.

Resolution of Issues Presented: The Merit Board finds that a violation of Sheriff's Order 3.8 (Effective date 10-01-90) Code of Ethics I. B.1d.,2c, C; General Order 3.8 (Effective date 10-01-98) Rules of Conduct I., II.A., B., --III.A.4.,B.18.,D.6.,G.; and Sheriff's Order 11.2.20.0 (Effective date 01-25-13) Rules of Conflict I., II., III., VI.a.2., B. 1., 2., 4.a., b., D.9.a., b., E.1.b.ii., H.2., and the Cook County Sheriff's Department Merit Board Rules and Regulations, Article X, Paragraph B, 3., did not occur.

Findings of Fact: An evidentiary hearing was held on May 5, 2016 at the Cook County Administration Building, [REDACTED] before [REDACTED]. Present were Petitioner by counsel and Respondent by counsel. Two witnesses testified for the Sheriff: [REDACTED] and [REDACTED]. The Respondent testified on her own behalf and called [REDACTED] as a witness.

Sheriff Exhibits A-K and Respondents Exhibits 1-5 were admitted into evidence.

Evidence:

Witness [REDACTED] testified that he is currently employed by the Cook County Sheriff's Department as an inspector in the Office of Professional Review, Confidential Criminal Investigations Unit. The witness stated that he was assigned Respondent's case which was started by [REDACTED]. The witness testified that as part of the investigation he reviewed arrest records, IDOC visitation logs, the LEADS printout sheet, which shows the criminal history of the individual, and the I-CLEAR sheets, which are associated to the Chicago Police records. The witness testified that the IDOC visitation logs indicated that the Respondent visited [REDACTED] on the dates indicated in the complaint. The witness stated that [REDACTED] was discharged from IDOC on January 8, 2007. The witness stated that the IDOC records indicate that [REDACTED] last known address was the [REDACTED] address of Jacquelyn Anderson. The witness testified that he reviewed the Chicago I-CLEAR printout for [REDACTED] which indicated that he was convicted of attempted murder which is a Class X felony. The witness testified that the record indicated that [REDACTED] was paroled to his fiancé [REDACTED] at the [REDACTED] address. The witness also testified that he reviewed a certification of marriage indicated that on December 31, 2013 [REDACTED] married [REDACTED] in a ceremony performed by [REDACTED]. The witness testified that, as part of his investigation, he reviewed the statement given by Jacquelyn Anderson wherein she admits visiting [REDACTED] on the dates indicated in the complaint; that she knew [REDACTED] well prior to visiting him in the IDOC; that she never gave any notice to any supervisory staff because she did not know that she was required to; that [REDACTED] first came to live with her and her daughter in October of 2008; and to her marriage to [REDACTED]. The witness testified that he prepared a report containing his findings that the Respondent had violated General Order 3.8, Section B(1)(d); General Order 3.8, Section B(2)(c) and Section C. On cross examination the witness testified that during his investigation he did not review any documents signed by the Respondent that indicated that she had acknowledged receipt of these General Orders effective in 1990, 1998 and 2013. The witness stated that the I-CLEAR document indicated that on October 1, 2008, [REDACTED] was residing at the [REDACTED] address with [REDACTED]. The witness stated that the document also indicated that [REDACTED] was paroled in January of 2007 and that the document did not indicate where he was paroled to at that time. Further, the witness stated that the copy of the Cook County Department of Corrections General Orders given to the Respondent, and signed by her, was only two pages long and nothing in the document prohibited visiting someone in a penal institution or having contact with a convicted felon. The witness testified that in her statement the Respondent indicated that at the time she visited [REDACTED] she was not aware of any reporting requirement and that she had known him as a family friend prior to her employment with the Sheriff's Office and that she was not aware that he was on parole at the time he came to live with her on [REDACTED]. The witness stated that on all of Respondent's visits to [REDACTED] while in IDOC custody she signed in as his "friend" and that he had not been able to establish when a romantic relationship was started. The witness testified that the Respondent did not visit [REDACTED] between her 1995 visits and her visit in October of 1996. The witness stated that he made no finding based upon his investigation that Respondent attempted to hide or prevent the Cook County Sheriff's Office from knowing of her visits. On redirect the witness testified that throughout their employment employees receive in-service training where they are updated on General Orders.

Witness [REDACTED] testified that he is currently employed as a sergeant with the Cook County Department of Corrections previously assigned to the Office of Professional Review where he was the original investigator who interviewed Respondent. The witness testified as to the documents he reviewed while investigating the claims against the Respondent. The documents were testified to by [REDACTED] previously. On cross examination, the witness testified that he had reviewed documents indicating that, prior to his marriage to Respondent, [REDACTED] had lived with his girlfriend in [REDACTED].

The Sheriff rested and the Respondent presented her case.

Witness [REDACTED] testified that he is currently employed as the pastor of the [REDACTED] in [REDACTED] and that he is the bishop of the [REDACTED] in the State of Illinois. The witness testified that he knows Respondent as a member of his church. The witness stated that [REDACTED] is his cousin. The witness testified that both Respondent and [REDACTED] are involved in his church and that both are active with the youth of the church. The witness testified as to his opinion with respect to the Respondent's reputation for honesty. The witness stated that he "thinks she is a very honest young lady."

Respondent testified that she has been with the Cook County Sheriff's Department for 27 years. Respondent testified that she did not recall ever having received any documents that made her aware that she could not associate with convicted felons or visit them in the penitentiary. Respondent testified that she does not recall ever having received any documents requiring her to contact her supervisors prior to either visiting a felon in the penitentiary or associating with a felon. Respondent stated that, had she known, she would have contacted her supervisor to seek approval as she would not do anything that would jeopardize her job. Respondent testified that she first met [REDACTED] when he was in high school and he was 17 and she was 27. Respondent stated that [REDACTED] played football with her best friend's brother and they attended games to support him as his mother had died when he was six. Respondent testified that she was married at the time and that the relationship was not a romantic one. Respondent testified that she became aware that [REDACTED] was arrested and eventually incarcerated in the Illinois Department of Corrections. Respondent testified that in May through October of 1995 she visited [REDACTED] with friends and then did not visit him again until almost a year later. Respondent testified [REDACTED] called her home while incarcerated and spoke with both her and her husband at the time. Respondent stated that her relationship with [REDACTED] started in August of 2008 and that he was off parole at that time. Respondent stated that, after some time apart, she married [REDACTED] on [REDACTED]. Respondent stated that there were a hundred guests at the wedding and reception, including coworkers and supervisors from the Cook County Sheriff. Respondent testified that she never intentionally hid the fact that her husband was a convicted felon. Respondent stated that she never intentionally compromised her employment with the Cook County Sheriff's Office by dating and marrying [REDACTED]. Respondent testified that she did not recall receiving any of the General Orders and that they were never issued directly to her for her signature. Respondent stated that often times Orders would be distributed by laying them on a desk in the office. Respondent testified that prior to 2013 she was never told that she could not visit an inmate in the penitentiary or have any contact with a convicted felon. Respondent testified that

once she was married she supplied the Cook County Sheriff with the marriage certificate, changed her name, placed [REDACTED] on her insurance and never tried to conceal that she was married or to whom she was married. On cross examination Respondent testified that the topic of visiting a penal institution without first notifying her employer and the issue of associating with a known felon were never covered during any of her in-service training sessions.

Findings:

The Board finds that purported actions of the Respondent dating back to the 1990s are too remote in time to be relevant to proceedings initiated by a complaint filed on November 25, 2015. Further, there is no evidence that there was any interaction on the job between the Respondent and [REDACTED] at any time he may have been incarcerated at the Cook County Jail. The Respondent testified, and there was no contrary evidence, that at the time an ongoing relationship between her and [REDACTED] began sometime in 2008 [REDACTED] had been discharged from parole. Testimony of [REDACTED] indicates that both the Respondent and her spouse have been engaged in positive community activities through the church for many years. They were married in 2013, and several members of the supervisory staff of the Cook County Department of Corrections were guests at the wedding. The Respondent never attempted to hide her relationship, and answered truthfully when interviewed by the Office of Professional Review on December 17, 2014. Further, there is no dispute that the Respondent has enjoyed a career approaching 30 years of service without any disciplinary issues, and the record contains letters of support from her supervisors verifying her good job performance. In reviewing the various rules and regulations set forth in the complaint as the basis for these proceedings, the evidence does not indicate any of these provisions were violated by the actions of the Respondent since the time she testified she established her relationship with [REDACTED] in 2008: Sheriff's Order 3.8 (Effective date 10-01-90) Code of Ethics I. B.1d.,2c, C; General Order 3.8 (Effective date 10-01-98) Rules of Conduct I., II.A., B., III.A.4.,B.18.,D.6.,G.; and Sheriff's Order 11.2.20.0 (Effective date 01-25-13) Rules of Conflict I., II., III., VI.a.2., B. 1., 2., 4.a., b., D..9.a., b., E.1.b.ii., H.2., and the Cook County Sheriff's Department Merit Board Rules and Regulations, Article X, Paragraph B, 3.

Conclusions of Law: Based on the evidence presented, and after assessing the credibility of witnesses and the weight given to the evidence in the record, the Merit Board finds that the Respondent has not violated Sheriff's Order 3.8 (Effective date 10-01-90) Code of Ethics I. B.1d.,2c, C; General Order 3.8 (Effective date 10-01-98) Rules of Conduct I., II.A., B., III.A.4.,B.18.,D.6.,G.; and Sheriff's Order 11.2.20.0 (Effective date 01-25-13) Rules of Conflict I., II., III., VI.a.2., B. 1., 2., 4.a., b., D..9.a., b., E.1.b.ii., H.2., and the Cook County Sheriff's Department Merit Board Rules and Regulations, Article X, Paragraph B, 3.

Order: Wherefore, based on the foregoing, it is hereby ordered that the charges made against Respondent Jacquelyn G. Anderson have not been proven by a preponderance of the evidence.

[REDACTED]
James P. Nally, Chairman

[REDACTED]
Byron Brazier, Vice Chairman

[REDACTED]
Kim R. Widun, Board Member

[REDACTED]
Gray Mateo-Harris, Board Member

[REDACTED]
Jennifer L. Bae, Board Member

[REDACTED]
John J. Dalicandro, Secretary

[REDACTED]
Patrick M. Brady, Board Member

[REDACTED]
Vincent T. Winters, Board
Member

Dated April 13, 2017