

**COOK COUNTY SHERIFF'S MERIT BOARD**

**Sheriff of Cook County** )  
 )  
**vs.** )  
 ) **Docket No. 2109**  
**Correctional Officer** )  
**Roy Brown** )  
 )

**DECISION**

This matter coming on to be heard pursuant to notice before Byron T. Brazier, Board Member, on January 15, 2019, the Cook County Sheriff's Merit Board finds as follows.

**Jurisdiction**

Roy Brown, hereinafter referred to as the Respondent, was appointed a Deputy Sheriff on January 19, 1993. Respondent's position as a Deputy Sheriff involves duties and responsibilities to the public; 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; the Board has jurisdiction of the subject matter of the parties in accordance with 55 ILCS 5/3-7001, et seq; and the Respondent was served with a copy of the Complaint and notice of hearing and appeared before the Board with counsel to contest the charges contained in the Complaint.

As a threshold matter, a proceeding before the Merit Board is initiated at the time the Sheriff files a written charge with the Merit Board. 55 ILCS 5/3-7012. A document is considered filed, in this case with the Merit Board, "when it is deposited with and passes into the exclusive control and custody of the [Merit Board administrative staff], who understandingly receives the same in order that it may become a part of the permanent records of his office." See *Dooley v. James A. Dooley Associates Employees Retirement Plan*, 100 Ill.App.3d 389, 395 (1981)(quoting *Gietl v. Commissioners of Drainage District No. One*, 384 Ill. 499, 501-502 (1943) and citing *Hamilton v. Beardslee*, 51 Ill. 478 (1869)); accord *People ex rel. Pignatelli v. Ward*, 404 Ill. 240, 245 (1949); in re *Annex Certain Terr. To the Village of Lemont*, 2017 IL App (1st) 170941, ¶ 18; *Illinois State Toll Highway Authority v. Marathon Oil Co.*, Ill. App. 3d 836 (1990) ("A 'filing' implies delivery of a document to the appropriate party with the intent of having such document kept on file by that party in the appropriate place." (quoting *Sherman v. Board of Fire & Police*

Commissioners, 111 Ill. App. 3d 1001, 1007 (1982)); *Hawkyard v. Suttle*, 188 Ill. App. 168, 171 (1914 (“A paper is considered filed when it is delivered to the clerk for that purpose.”)).

The original Complaint in this matter was filed with the Merit Board’s administrative staff on July 16, 2018. Regardless of whether or not Merit Board Members were properly appointed during a given term, the Merit Board, as a quasi-judicial body and statutorily created legal entity, maintained at all times a clerical staff not unlike the Clerk of the Circuit Court (“Administrative Staff”). These Administrative Staff members receive and date stamp complaints, open a case file, assign a case number, and perform all of the functions typically handled by the circuit clerk’s office. Just as a timely filed complaint would be accepted by the circuit clerk even if there were no properly appointed judges sitting on that particular day, so too was the instant Complaint with the Administrative Staff of the Merit Board. Accordingly, the Complaint filed commencing the instant action, was properly filed, and will be accepted as the controlling document for calculating time in this case.

### **Findings of Fact**

On January 19, 1993, Roy Brown ("Roy") was appointed a Deputy Sheriff (Tr. at 61).

On June 17, 2017, July 5, 2017 and July 23, 2017, the Country Club Hills Police Department ("CCHPD") responded to calls of a domestic disturbance at Roy Brown’s residence involving Roy Brown and his wife (Tr. at 17). That on December 30, 2017, Roy Brown had a single firearm for which he had qualified and registered with the Cook County Sheriff's Office. On December 30, 2017, Roy Brown was arrested by the CCHPD and was charged with: Domestic Battery, Aggravated Assault, and Interfering with Reporting of Domestic Violence. However, he was never convicted. All the charges were stricken on leave (Tr. at 40, 59, and 69). In addition, on March 6, 2018, Roy Brown was interviewed and provided an audio-recorded statement to investigators from the Cook County Sheriff's Office of Professional Review ("OPR") (Tr. at 20, Sheriff Exhibit 2).

The findings of fact point to four questions:

1. Did Roy Brown physically attack his wife?
2. Did he have his duty weapon and a second weapon in a secured location?
3. Was it unlawful for him to have another weapon in his home other than his duty weapon?
4. Whether or not the respondent interfered with his wife from calling the police?

### **Conclusion**

After review of the evidence and the testimony by Country Club Hills Police, we can conclude that there was no evidence presented of an attack by Roy Brown on his wife that matched her testimony. There were no apparent bruises, cuts, or swelling provided by the video cam worn by CCPD. There was no torn shirt presented as evidence consistent with her testimony.

Additionally, she did not sign the complaint, she did not go to court, she did not cooperate with OPR and she did not present testimony to the Merit Board. In addition, the court case charges were stricken on leave.

Concerning whether or not the weapon was secured in the home. It was certainly not locked but it was secured in a place where there was no easy access to the weapon and only two people knew where the duty weapon was secured. Deputy Brown only knew the location of the second weapon. Additionally, the grandchild that was present was not at an age to have accidental access to either weapon.

Concerning possession of a firearm prior to qualification. In order to qualify on a weapon, the weapon has to have been purchased before the class. Therefore, the act of owning another weapon prior to qualification is normal. There was no evidence presented that suggested a time frame requirement between purchase, ownership and the qualification class.

Finally, whether Roy Brown interfered with his wife from calling the police, by his admission, he insisted on his wife using the home phone and not her cell phone. Based on his own testimony and given he was the only one that testified to this event, his wife had free access to the phone to call the police, which she had done before. However, this time, she was not the one who called the police.

**Order:** the Merit Board finds that the respondent did not violate the above General Orders and that the Respondent should continue his duties as assigned effective July 16, 2018.

Roy Brown  
Deputy Sheriff  
Docket # 2109

[Redacted Signature]

James P. Nally, Chairman

[Redacted Signature]

Byron Brazier, Vice-Chairman

[Redacted Signature]

John Dalicandro, Secretary

[Redacted Signature]

Kim R. Widup, Board Member

DISSENT

[Redacted Signature]

Vincent T. Winters, Board Member

[Redacted Signature]

Juan L. Baltierres, Board Member

DISSENT

[Redacted Signature]

Patrick Brady, Board Member

DISSENT

Date May 1, 2019



interviewed the Respondent's wife. The Respondent's wife told him, on a body camera recorded interview, that the Respondent had a verbal altercation with her which escalated, and the Respondent pulled her hair, put her in a chokehold, slapped her and then pulled a firearm on her. She had a red mark on her left cheek from the altercation with the Respondent. The Respondent's wife further informed Officer [REDACTED] that the altercation continued onto their home's stairwell and the Respondent tried to push her down the stairs. The Respondent's wife said that she grabbed the Respondent's shirt to regain her balance and avoid falling. She claimed the Respondent took the home's cordless phone away from her to prevent her from calling the police. Officer [REDACTED] said that he located two loaded firearms in the residence, one in a dresser drawer and one in an ottoman in the living room. He testified that initially the Respondent's wife was willing to sign a complaint against the Respondent but changed her mind after the Respondent yelled at her that he would lose his job if she did.

The Respondent testified in the hearing before the Board that he did have an altercation with his wife on December 30, 2017, and the CCHPD came to his residence. His grandson was home with them at the time the CCHPD located the two unsecured firearms. The Respondent admitted he did grab the house phone from his wife and that he pushed her. He said he was arrested by the CCHPD for domestic battery and aggravated assault. The Respondent said he had been arrested in 2013 by the CCHPD for domestic battery. The 2013 matter was brought before the Board and he was given either a 45- or 90-day suspension for the incident. He was also before the Board in 2015 for another domestic incident and a DUI. The Respondent admitted that both weapons (a revolver and a Glock model 26) were loaded in his home and were not properly secured; although, he was aware of the Sheriff's policy regarding the requirement to secure weapons in his home. The Respondent admitted that he had a third handgun (Glock model 19) in his home that was not located by CCHPD when they searched his home in conjunction with his arrest of December 30, 2017. He further admitted that he knew it was unlawful for him to interfere with his wife's attempts to call the police during the incident of December 30, 2019. Additionally, the Respondent testified the police had been to his house on June 17, 2017, for another domestic incident.

As a result of the information cited above, I am entering my dissent to the current decision in this matter as I believe the evidence presented by the Sheriff proved by a preponderance of the evidence, that the Respondent violated certain General Orders of the CCSO and Merit Board Regulations, as alleged in the initial complaint. I believe the Board should have reached the opinion; based on the evidence presented, the assessment of the credibility of the witnesses, and the weight given to the evidence in the record that the Respondent should be separated from the CCSO effective July 16, 2018. Additionally, the record demonstrates the Respondent has significant anger management issues and could be a danger to his wife and possibly others based on the evidence that the CCHPD had been to his house on at least three other occasions in addition to this incident. Finally, the Respondent had at least two previous matters in front of the Board that he was disciplined for via a suspension from duty.

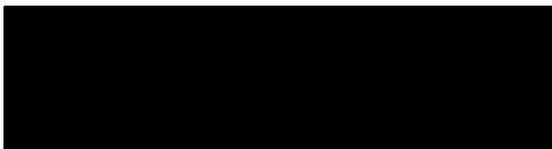
[REDACTED]  
Kim R. Widup, Board Member

[REDACTED]  
JUAN BALTICERRAS, Board Member

4/29/2019  
Dated

4-30-19

I don't agree. Domestic violence cases are very serious matters. These types of cases are often dismissed for lack of a complaining witness which makes the ultimate disposition less relevant to me than the fact the Police at the time made a determination to make an arrest. Adding a gun to the fact pattern, whatever its role, is also something to be taken very seriously. I respectfully dissent.



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