

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)	
)	
vs.)	
)	Docket No. 2043
Correctional Sergeant)	
Anthony J. Squeo)	
Star # 3257)	

DECISION

This matter coming on to be heard pursuant to notice before John Jay Dalicandro, Board Member, on April 19, 2018, the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

Anthony J. Squeo, hereinafter Respondent, was appointed a Correctional officer on March 29, 2010. Respondent's position as a Correctional Officer 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. Comminssioners 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.")).

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The original Complaint in this matter was filed with the Merit Board's administrative staff on July 26, 2017. 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 on July 26, 2017 commenced the instant action, was properly filed, and will be accepted as the controlling document for calculating time in this case.

Findings of Fact

The Sheriff filed a complaint on July 25, 2017 and an amended complaint on January 25, 2018. The Sheriff is requesting a 180-day suspension.

On March 29, 2010, Respondent was appointed a Correctional Officer. (Tr. 83). On October 28, 2012, Respondent was assigned to Cermak of the Cook County Department of Corrections ("CCDOC"), located at 2700 S. California Avenue, Chicago, Illinois 60608. On December 27, 2015, Respondent was promoted to Correctional Sergeant. (Tr. 83).

OPR Investigator [REDACTED] was assigned to investigate this case. (Tr. 28-30). A video was viewed which originated from a body worn camera worn by the Respondent on April 26, 2014. (Tr. 38). The video was a recording of a use of force incident that occurred in Cermak Hospital at approximately 5:30 p.m. (Tr. 42-43). The video obtained from Respondent's body camera was published during Respondent's trial before the Board. (Tr. 44-51).

Investigator [REDACTED] reviewed Respondent's incident report. (Tr. 51; Sheriff's Exh. 3). Respondent did not put in his Use of Force Report that he wrapped his hands around detainee's neck. (Tr. 52; Sheriff's Exh. 4). Respondent also never put in his Use of Force Report that the detainee lunged at Respondent. (Tr. 52; Sheriff's Exh. 4). In his Use of Force Report, Respondent stated that he "grabbed both of the detainee's arms, and [Respondent] and Officer [REDACTED] took the detainee to the floor." (Tr. 52; Sheriff's Exh. 4). The video from Respondent's body camera never showed Respondent place his hands on the detainee's shoulder or arms. (Tr. 53; Sheriff's Exh. 4). Based on what was viewed on Respondent's body camera video, Investigator [REDACTED] believed that Respondent used excessive force on the detainee. (Tr. 53-54; Sheriff's Exh. 4).

Respondent does not recall second by second what his physical movements were in regard to his physical interaction with the detainee. (Tr. 86). When Respondent gave the order for the detainee to step out of the cell so the cell could be searched, the detainee began expressing verbal agitation, and his body movement was a little aggressive as he continued to walk out of the cell. (Tr. 86).

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Respondent testified that as the detainee walked out of the cell, Respondent gave verbal orders for the inmates to place their hands on the wall so that the officers could search them. (Tr. 88). According to Respondent, the detainee turned towards the wall and then continued to turn towards Respondent. (Tr. 88). Respondent stated he placed his hand on the back of the detainee's arm or back to keep him facing the wall and detainee continued to turn towards the Respondent and swing his arm at Respondent. (Tr. 88). Respondent stated that after reviewing the video, it appears that Respondent put his hand on the detainee's chest and as the detainee continued to come forward, Respondent attempted to secure him by pushing the detainee back at the same time. (Tr. 88-89). When Respondent wrote up his incident and Use of Force Reports, he had not seen the video from his body camera. (Tr. 89).

Conclusion


Based on the evidence presented, and after assessing the credibility of witnesses and the weight given by the evidence in the record, the Board finds that Respondent violated the Cook County Sheriff's Department Rules and Regulations, General Order #24.9.1.0 Reporting Incidents.

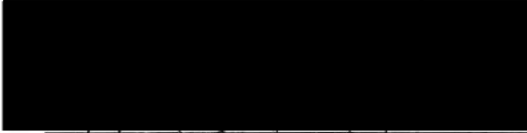
This is an incident in which Respondent, a Correctional Officer, attempted to create distance between himself and a detainee. In that attempt Respondent's hand did go up to the detainee's neck. In the Board's judgment that was not a choke hold. Respondent's one hand was on the detainee's neck for 4-6 seconds. Deadly force was not used by Respondent. Respondent prepared a written report on the incident and should have written in the Use of Force Report that his hand was on the detainee's neck. Respondent admitted after watching the video that his hand was on the detainee's neck and should have documented that in his report. It is an important item Respondent is trained to note in completing his report.

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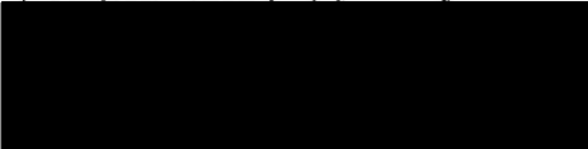
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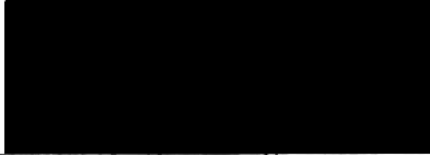
Wherefore, based on the foregoing, it is hereby ordered that Respondent Anthony J. Squeo be suspended for forty-five days (45) days from the Cook County Sheriff's Office effective July 25, 2017.


James P. Nally, Chairman

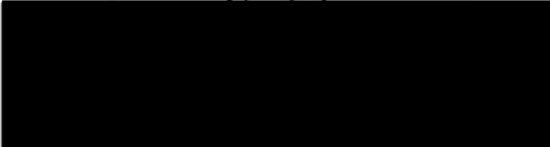

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John J. Dalicandro, Secretary


Patrick M. Brady, Board Member


Vincent T. Winters, Board Member


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Juan L. Baltierres, Board Member


Gray Mateo-Harris, Board Member

Dated: August 30, 2018