

**COOK COUNTY SHERIFF S MERIT BOARD**

STATE OF ILLINOIS)

SS:

COUNTY OF COOK)

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COOK COUNTY SHERIFF'S MERIT BOARD HEARING

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SHERIFF OF COOK COUNTY,

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IN THE MATTER OF:

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Petitioner,

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DOCKET NO. 1758

vs

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Kelvin Barnes Star # 9254

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Respondent.

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THIS MATTER COMING ON to be heard pursuant to notice, the board finds as follows:

1. The Respondent, Kelvin Barnes, hereinafter " Respondent", was appointed a correctional officer on October 15, 2007. Respondent's current position is as a Correctional Officer and involves duties and responsibilities to the public; and
2. Each member of the Cook County Sheriff's Merit Board, hereinafter "the 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
3. The Board has jurisdiction of the subject matter of the parties in accordance with Chapter 55 of the Illinois Compiled Statutes; and
4. 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 compliant.
5. Dr. Byron Brazier was the hearing officer.

**Background:** By a complaint dated July 8, 2013, the Sheriff, sought the termination of Correctional Officer Kelvin Barnes, Star number 9254. The complaint alleged that as a direct

result of the respondent false statements or reports to the Chicago Police Department, the Cook County States Atty.'s office, the Circuit Court of Cook County, the Cook County office of professional review and the Cook County Department of Corrections, led to [REDACTED] being charged with the offense of aggravated battery of a peace officer. [REDACTED] due to the false statements, spent more than one month in jail.

The complaint also alleges that on August 3, 2012, Correctional Officer Barnes made false statements to Chicago Police Department that [REDACTED] struck Officer [REDACTED] in the upper left portion of her chest as she was attempting to intervene in the middle of an altercation between [REDACTED] and another La Fiesta restaurant patron, [REDACTED]

Finally, the above actions violated the Rules and Regulations of the Cook County Department of Corrections, specifically:

Sheriff's order 4.1 section 2 A.5, 17 and 18.

General Order 3.8 Section I and III A-1 and 5

Sheriff's order 11.2.20.00 (effective January 25, 2013), section II, section VI-D25, H4, II.

Cook County Sheriff's Merit Board Rules and Regulations, Article X, paragraph B, section 1, 2, 3.

**Issues Presented:** Whether the actions of the Respondent in making false statements to the above violated the general orders and rules and regulations set forth above and what if any discipline is appropriate.

**Resolution of Issues Presented:** After review of all testimony and evidence presented by the States Attorney and the Respondent's Attorney, from the dates between September 2014 and October 2014, the Merit Board finds that the respondent did violate general order 4.1 II A-18, General Order 3.8 Section III A-5, and the Cook County Sheriff's Merit Board Rules and Regulations, Article X, paragraph B, section (3).

**Findings of Fact:** An evidentiary hearing in this matter began on September 16, 2014 and October 15, 2014 and the charges and evidence was presented by the States Attorney and the Respondent was present and represented by counsel.

The testimony presented by the Sheriff, and in the original complaint, explained that Kelvin Barnes was at lunch the morning of August 21, 2012, with another Correctional Officer, [REDACTED] at the La Fiesta restaurant. And that after Correctional Officer Barnes was at the restaurant counter placing an order, he witnessed a confrontation between Officer [REDACTED] and [REDACTED] as he was entering the restaurant and as she was exiting the restaurant. As [REDACTED] continued into the restaurant he approached another patron by the name of Mr. [REDACTED]. During the altercation between [REDACTED] and [REDACTED], [REDACTED] hit [REDACTED] and knocked

him out. It was at that point that Correctional Officer [REDACTED] and her partner Kelvin Barnes handcuffed [REDACTED], called the Chicago Police Department and then waited for their arrival.

During the course of the hearing, evidence shows that Officer Barnes was interviewed by the Cook County Office of Professional Review. He was not interviewed by the Chicago Police Department, nor was there any evidence or testimony that he was interviewed by the Cook County State's Attorney's Office or the Cook County Department of Corrections.

If we utilize Correctional Officer Barnes original report as the baseline for inconsistency, we can conclude that there were no material inconsistencies in his report or in his interview with the Department of Corrections Office of Professional Review that would support the complaint of termination.

There were also considerable lines of questioning about, handcuffs, the treatment of [REDACTED] while he was unconscious, and the decision of the correctional officers not to handcuff [REDACTED]. These are judgement calls by the officers at that time of the altercation and are not material to the issues surrounding the charges of aggravated battery, the Circuit Court proceedings, the dismissal of charges, or the settlement of \$150,000. The videotape did not demonstrate that Officer Barnes acted in a less than professional manner.

**Conclusions of Law:** Based on the evidence presented, the Merit Board finds that the respondent did not violate General Order 4.1 II A-18, General Order 3.8 Section III A-5, and the Cook County Sheriff's Merit Board Rules and Regulations, Article X, paragraph B, section (3).

Therefore it is the conclusion of the Merit Board that Kelvin Barnes be reinstated effective April 18, 2014.

Kelvin Barnes - Correctional Officer - Docket Number 1758



James P. Nally, Chairman



Brian Riordan, Board Member



John Alicandro, Board Member



Patrick Brady



Byron Brazier, Vice Chairman



Judith Bae, Board Member

Jennifer



Vince Winters, Board Member



Kim Widup, Board Member

Diana

May 7, 2015