

**COOK COUNTY SHERIFF S MERIT BOARD**

STATE OF ILLINOIS                    )  
  ) SS:  
COUNTY OF COOK                    )

**COOK COUNTY SHERIFF'S MERIT BOARD HEARING**

SHERIFF OF COOK COUNTY,            )

**IN THE MATTER OF:**

**Petitioner,**                            )   **DOCKET NO. 1757**  
  
    **vs**    )  
  
    **Antoinette Bertucci Badge #8523**        )  
  
    **Respondent.**                            )

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

1. The Respondent, Antoinette Bertucci, hereinafter " Respondent", was appointed a correctional officer on May 31, 2005. 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 Antoinette Bertucci, Star number 8523. 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 Mr. [REDACTED] being charged with the offense of aggravated battery of a peace officer. Mr. [REDACTED] due to the false statements, spent more than one month in jail and was prosecuted for three counts of aggravated battery. On December 10, 2012, Mr. [REDACTED] criminal case was terminated as Nolle Prosequi. On February 20, 2013, Mr. [REDACTED] filed a complaint against the Cook County Sheriff's Department and the case was settled for the sum of \$150,000.

The complaint also alleges that on August 3, 2012, Correctional Officer Bertucci made false statements to Chicago Police Department that Mr. [REDACTED] struck Officer Bertucci in the upper left portion of her chest as she was attempting to intervene in the middle of an altercation between Mr. [REDACTED] and another fiesta restaurant patron, Mr. [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, I1.

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 Sheriff, and in the original complaint, explained that Antoinette Bertucci was at lunch the morning of August 21, 2012, with her another Correctional Officer, Mr. [REDACTED] at the La Fiesta restaurant. And that after Correctional Officer Bertucci had

placed the order, and leaving the restaurant, she was confronted by Mr. [REDACTED]. It is her testimony and confirmed by videotape that Mr. [REDACTED] either touched, or shoved Officer Bertucci as she was leaving.

As Mr. [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 Bertucci and her partner [REDACTED] handcuffed Mr. [REDACTED] called the Chicago Police Department and then waited for their arrival.

During the course of the hearing, evidence shows that officer Bertucci wrote one report and was interviewed first by the Chicago Police Department, by the Cook County State's attorney's department of felony review, by the Sheriff Department of professional review, gave direct testimony in the preliminary hearing and the trial against Mr. [REDACTED]. It was also clear that in each interview she was asked different questions by each department.

If we utilize Correctional Officer Bertucci's original report as the baseline for inconsistency, we can conclude that there are four points of inconsistency:

1. The first was between the Chicago Police Department and the written report by Correctional Officer Bertucci.
  - a. It is unclear how Correctional Officer Bertucci would make statements to the Chicago Police Department and then write a different report to the department of corrections that same day.
  - b. This is especially unclear given that the Chicago police report does not match the written report provided by Officer Bertucci's partner, [REDACTED].
  - c. Both Bertucci and [REDACTED] have consistently denied the CPD report.
  - d. And given that Bertucci and [REDACTED] reports were written in two different locations, on the same day, that would preclude any situational or scenario collaboration on their part.
2. We can also conclude that [REDACTED] did reach out and touch Bertucci, in some manner that would cause her to forcibly remove his hand or push his hand away. This is confirmed by videotape.
3. In addition, the report provided by officer Bertucci to the Cook County States Attorney's Office had no material differences from her original report.
  - a. This is further explained by the testimony of Investigator [REDACTED] as he described the interview which is consistent with her report. This brings further into question the possible misinterpretation of the facts by the Chicago Police Department.

- b. It is also consistent with the preliminary hearing testimony, in front of Judge [REDACTED], where she states twice that she was not stuck attempting to separate [REDACTED] and [REDACTED]
4. It appears that during the trial, the CPD scenario was used by the States Attorney contrary to Officer Bertucci's original report, the Sheriff's Office of Professional Review and her testimony in the preliminary hearing. It is unclear how the decision was made to pursue criminal charges with an aggravated battery scenario completely different from the videotape evidence when it is clear that the defendant's attorney had a copy of the videotape at the preliminary hearing, two months prior to the trial.
  5. However, in Officer Bertucci's testimony, in the trial of Mr. [REDACTED] where she testified that she intervened in an altercation between [REDACTED] and [REDACTED] and it was then that [REDACTED] hit her, it is that testimony that would be a major inconsistency or misstatement by officer Bertucci in Mr. [REDACTED] criminal proceedings.

There were also considerable lines of questioning about, handcuffs, the treatment of Mr. [REDACTED] while he was unconscious, and the decision of the correctional officers not to handcuff Mr. [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.

**Conclusions of Law:** Given that the respondent was the provider of the initial complaint, Officer Bertucci did not make the decision to prosecute Mr. [REDACTED] but she did provide inconsistent testimony during the trial. Therefore 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) and should be terminated effective April 18, 2014.

Antoinette Bertucci - Correctional Officer - Docket Number 1757



James P. Nally, Chairman



Brian Riordan, Board Member



John D'Alcardro, Board Member



Patrick Brady



Byron Brazier, Vice Chairman



JENNIFER BAE Board Member



Vince Winters, Board Member



Kim Widup, Board Member

May 8, 2015