

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
)
vs.)
) **Docket # 1745**
Tamara Wuerffel)
Police Sergeant)
Star #42)

DECISION

This matter coming on to be heard pursuant to notice before Kim R. Widup, Board Member, on October 8 - 10, 27 and 28, 2014, the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

Tamara Wuerffel, hereinafter "Respondent," was appointed a Correctional Officer on September 28, 1998. On January 17, 2000, the Respondent was appointed as a Police Officer for the Cook County Sheriffs Police (CCSP) and on July 20, 2008, she was appointed as a Police Sergeant. Respondent's position as a Police Sergeant 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 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 with counsel to contest the charges contained in the Complaint; and

The Board has heard the evidence presented by the Sheriff and the Respondent and has evaluated the credibility of the witnesses and supporting evidence. After considering the evidence, the Board finds as follows:

Background

On February 27, 2011, the Respondent was assigned to Bridgeview Patrol and then on March 3, 2013, she was assigned to Markham Patrol with the CCSP.

Between December 2011 and October 2012, the Respondent unnecessarily and/or falsely submitted Court Attendance Overtime (CAO) sheets for a total of 64 hours, totaling \$4,211.84 in additional and unnecessary earnings.

In 2012, the twenty-three sergeants in the CCSP submitted CAO sheets totaling 780 hours. That year, the Respondent submitted reports accounting for 247.5 of those 780 hours or approximately 32% of the total overtime requested by CCSP sergeants for court attendance.

In the case of the *People of the State of Illinois v. Peter Papaleo*, 10-CR-15617

On March 9, 2012, the Respondent submitted a CAO sheet for attending a sentencing hearing on the *Papaleo* case on March 9, 2012, at the Bridgeview Courthouse. The CAO sheet requested three hours of overtime to be paid to the Respondent.

The Respondent was not issued a subpoena nor orally requested to be in court on March 9, 2012, by the State's Attorney's Office or by the Police Department. Respondent's presence in court was not necessary, required or presumed. As a result of her submission of her CAO sheet on March 9, 2012, the Respondent was paid for three hours of overtime.

On March 30, 2012, the Respondent submitted a CAO sheet for attending a sentencing hearing on the *Papaleo* case on March 30, 2012, at the Bridgeview Courthouse. The CAO sheet requested eight hours of overtime to be paid to the Respondent.

The Respondent was not issued a subpoena nor orally requested to be in court on March 30, 2012, by the State's Attorney's Office or by the Police Department. Respondent's presence in court was not necessary, required or presumed. As a result of her submission of her CAO sheet on March 30, 2012, the Respondent was paid for eight hours of overtime.

On July, 24, 2013, the Respondent was interviewed and provided a signed statement to investigators from the Cook County Sheriff's Office of Professional Review (OPR), stating that her presence was requested at the sentencing by the State's Attorney's Office as a "show of force."

In the case of the *People of the State of Illinois v. Sam Cafi*, case #125001763

On April 2, 2012, the Respondent submitted a CAO sheet for attending a hearing on the return of an indictment in the *Cafe* case on April 2, 2012, at the Bridgeview Courthouse. The CAO sheet requested four hours of overtime to be paid to the Respondent.

The Respondent was not issued a subpoena nor orally requested to be in court on April 2, 2012, by the State's Attorney's Office or by the Police Department. Respondent's presence in court was not necessary, required or presumed. As a result of her submission of her CAO sheet on April 2, 2012, the Respondent was paid for four hours of overtime.

On April 19, 2012, the Respondent submitted a CAO sheet for attending an arraignment hearing on the *Cafi* case on April 19, 2012, at the Bridgeview Courthouse. The CAO sheet requested three hours of overtime to be paid to the Respondent.

The Respondent was not issued a subpoena nor orally requested to be in court on April 19, 2012, by the State's Attorney's Office or by the Police Department. Respondent's presence in court was not necessary, required or presumed. As a result of her submission of her CAO sheet on April 19, 2012, the Respondent was paid for three hours of overtime.

On May 22, 2012, the Respondent submitted a CAO sheet for attending a status hearing in the *Cafi* case on May 22, 2012, at the Bridgeview Courthouse. The CAO sheet requested three hours of overtime be paid to the Respondent.

The Respondent was not issued a subpoena nor orally requested to be in court on May 22, 2012, by the State's Attorney's Office or by the Police Department. Respondent's presence in court was not necessary, required or presumed. As a result of her submission of her CAO sheet on May 22, 2012, the Respondent was paid for three hours of overtime.

On July 24, 2013, the Respondent was interviewed and provided a signed statement to investigators from OPR. During the interview, the Respondent said she was not subpoenaed to attend the hearings on April 2, April 19, and May 22, 2012.

In the case of the People of Illinois v Jazmin Gonzalez, Ticket # YT537635

On December 24, 2011, officers of the CCSP arrested [REDACTED] for driving under the influence. Respondent was not working and was not on-duty on December 24, 2011.

On March 16, 2012, the Respondent submitted a CAO sheet for attending a status hearing in the *Calderon-Aguilar* case on March 16, 2012, at the Bridgeview Courthouse. The CAO sheet requested three hours of overtime to be paid to the Respondent.

The Respondent was not issued a subpoena nor orally requested to be in court on March 16, 2012, by the State's Attorney's Office or by the Police Department. Respondent's presence in court was not necessary, required or presumed. As a result of her submission of her CAO sheet on March 16, 2012, the Respondent was paid for three hours of overtime.

On July 24, 2013, the Respondent was interviewed and provided a signed statement to investigators from OPR. During the interview, the Respondent said she attended the March 16, 2012, hearing because she was on-duty during the arrest of Calderon-Aguilar and was back up on the scene of that arrest.

On September 9, 2013, the Respondent was interviewed and provided a signed statement to investigators from the OPR. During that interview, the Respondent said she mistakenly wrote [REDACTED] on her CAO sheet because Police Officer [REDACTED] wrote

"██████████" on his sheet. Respondent further stated that she attended court on March 16, 2012, because Officer ██████████ told her that she needed to be present for a different case. Respondent could not recall the name of the defendant on the different case.

In the case of *People of the State of IL v Jose Calderon-Aguilar, Ticket # YT537635*

On July 26, 2012, the Respondent submitted a CAO sheet for attending an administrative evidentiary hearing (or "johns" hearing) on July 26, 2012, at the CCSP Headquarters. The CAO sheet requested eight hours of overtime to be paid to the Respondent.

On July 26, 2012, the administrative "johns" hearing at the CCSP Headquarters lasted only two hours from approximately 10:00 am to 12:00 pm.

As a result of her submission of her CAO sheet on July 26, 2012, the Respondent was paid for eight hours of overtime.

On July 24, 2013, the Respondent was interviewed and provided a signed statement to investigators from OPR. During the interview, the Respondent stated that on July 26, 2012, she attended the "johns" hearing and did not speak to anyone conducting the hearings. She further stated that she did not enter the rooms where the hearings were held. Finally, the Respondent said she remained at the CCSP Headquarters until 3:40 pm when everyone else involved in the hearings were leaving.

In the case of the *People of the State of IL v Jazmin Gonzalez, Ticket # YT063721*

On July 26, 2012, ██████████ (██████████) appeared at the Bridgeview Courthouse concerning a series of traffic tickets that she received on June 13, 2012. During her appearance, the Court found ██████████ guilty, sentenced her to supervision, assessed her fines and did not continue the case for a future hearing. ██████████ paid her fines on July 26, 2012. This was the only hearing held on the *Gonzalez* case for the tickets she received on June 13, 2012.

On September 19, 2012, the Respondent submitted a CAO sheet for attending a status hearing on the *Gonzalez* case on September 19, 2012, at the Bridgeview Courthouse. The CAO sheet requested three hours of overtime to be paid to the Respondent.

The Respondent was not issued a subpoena nor orally requested to be in court on September 19, 2012, by the State's Attorney's Office or by the Police Department. Respondent's presence in court was not necessary, required or presumed as there was no hearing scheduled on the *Gonzalez* case. As a result of her submission of her CAO sheet on September 19, 2012, the Respondent was paid for three hours of overtime.

On October 26, 2012, the Respondent submitted a CAO sheet for attending a status hearing on the *Gonzalez* case on October 26, 2012, at the Bridgeview Courthouse. The CAO sheet requested three hours of overtime to be paid to the Respondent.

The Respondent was not issued a subpoena nor orally requested to be in court

on October 26, 2012, by the State's Attorney's Office or by the Police Department. Respondent's presence in court was not necessary, required or presumed as there was no hearing scheduled on the *Gonzalez* case. As a result of her submission of her CAO sheet on October 26, 2012, the Respondent was paid for three hours of overtime.

On October 26, 2012, the Respondent did not sign in on the Court Attendance Log.

On July 24, 2013, the Respondent was interviewed and provided a signed statement to investigators from OPR. During the interview, the Respondent stated that she would know if a case was dismissed or rescheduled if she was present in court and heard the disposition of the case.

On September 9, 2013, the Respondent was interviewed and provided a signed statement to investigators from the OPR. During that interview, the Respondent stated that she would have only attended the court hearings on the *Gonzalez* matter if she were told to attend by Officer [REDACTED] or the States Attorneys Office. The Respondent did not recall who informed her to attend court on September 19, and October 26, 2012.

In the case of the People of the State of IL v Leszek Popik, Ticket # YT724724-6

On December 23, 2011, the Respondent submitted a CAO sheet for attending a status hearing on the *Popik* case on December 23, 2011, at the Bridgeview Courthouse. The CAO sheet requested three hours of overtime to be paid to the Respondent.

The Respondent was not issued a subpoena nor orally requested to be in court on December 23, 2011, by the State's Attorney's Office or by the Police Department. Respondent's presence in court was not necessary, required or presumed. As a result of her submission of her CAO sheet on December 23, 2011, the Respondent was paid for three hours of overtime.

On March 22, 2012, the Respondent submitted a CAO sheet for attending a status hearing on the *Popik* case on March 22, 2012, at the Bridgeview Courthouse. The CAO sheet requested three hours of overtime to be paid to the Respondent.

The Respondent was not issued a subpoena nor orally requested to be in court on March 22, 2012, by the State's Attorney's Office or by the Police Department. Respondent's presence in court was not necessary, required or presumed. As a result of her submission of her CAO sheet on March 22, 2012, the Respondent was paid for three hours of overtime.

The Respondent was paid three hours of overtime for attending a court hearing on April 27, 2012.

On June 5, 2012, the Respondent submitted a CAO sheet for attending a status hearing on the *Popik* case on June 5, 2012, at the Bridgeview Courthouse. The CAO sheet requested three hours of overtime to be paid to the Respondent.

The Respondent was not issued a subpoena nor orally requested to be in court on June 5, 2012, by the State's Attorney's Office or by the Police Department.

Respondent's presence in court was not necessary, required or presumed. As a result of her submission of her CAO sheet on June 5, 2012, the Respondent was paid for three hours of overtime.

On July 12, 2012, the Respondent submitted a CAO sheet for attending a status hearing on the *Popik* case on July 12, 2012, at the Bridgeview Courthouse. The CAO sheet requested three hours of overtime to be paid to the Respondent.

The Respondent was not issued a subpoena nor orally requested to be in court on July 12, 2012, by the State's Attorney's Office or by the Police Department. Respondent's presence in court was not necessary, required or presumed. As a result of her submission of her CAO sheet on July 12, 2012, the Respondent was paid for three hours of overtime.

On September 25, 2012, the Respondent submitted a CAO sheet for attending a status hearing on the *Popik* case on September 25, 2012, at the Bridgeview Courthouse. The CAO sheet requested three hours of overtime to be paid to the Respondent.

The Respondent was not issued a subpoena nor orally requested to be in court on September 25, 2012, by the State's Attorney's Office or by the Police Department. Respondent's presence in court was not necessary, required or presumed. As a result of her submission of her CAO sheet on September 25, 2012, the Respondent was paid for three hours of overtime.

On November 1, 2012, the Respondent submitted a CAO sheet for attending a status hearing on the *Popik* case on November 1, 2012, at the Bridgeview Courthouse. The CAO sheet requested three hours of overtime to be paid to the Respondent.

The Respondent was not issued a subpoena nor orally requested to be in court on November 1, 2012, by the State's Attorney's Office or by the Police Department. Respondent's presence in court was not necessary, required or presumed. As a result of her submission of her CAO sheet on November 1, 2012, the Respondent was paid for three hours of overtime.

On July 24, 2013, the Respondent was interviewed and provided a signed statement to investigators from OPR. During the interview, the Respondent stated that she attended court for the *Popik* case because it was a date on the court key calendar of the ticketing officer.

On September 9, 2013, the Respondent was interviewed and provided a signed statement to investigators from the OPR. During that interview, the Respondent stated that she attended court on the *Popik* matter after the initial court date of December 23, 2011, because she was notified by the State's Attorney's Office to appear. Respondent also stated that she received a subpoena to attend court on January 23, 2013, on the *Popik* case.

In the case of the People of the State of IL v Barbara Skinner, Ticket # YT873353-4

On June 29, 2012, Officer [REDACTED], CCSP, issued two minor traffic tickets to [REDACTED] for failing to prove valid insurance and having no front license plate.

On August 28, 2012, the Respondent submitted a CAO sheet for attending a status hearing on the *Skinner* case on August 28, 2012, at the Bridgeview Courthouse. The CAO sheet requested three hours of overtime to be paid to the Respondent.

The Respondent was not issued a subpoena nor orally requested to be in court on August 28, 2012, by the State's Attorney's Office or by the Police Department. In fact, a status hearing on the *Skinner* case was heard on August 27, 2012, and the case was dismissed on August 27, 2012.

On August 28, 2012, the Respondent indicated on the CAO sheet that the case had been continued until October 4, 2012. Respondent's presence in court was not necessary, required or presumed. As a result of her submission of her CAO sheet on August 28, 2012, the Respondent was paid for three hours of overtime.

On October 3, 2012, Respondent attended court on the *Skinner* case.

The Respondent was not issued a subpoena nor orally requested to be in court on October 3, 2012, by the State's Attorney's Office or by the Police Department. Respondent's presence in court was not necessary, required or presumed.

In the case of the People of the State of IL v William Shuecraft, Ticket # YT742468

On May 30, 2012, [REDACTED] was sentenced to supervision in open court after being found guilty of driving under the influence. On May 30, 2012, the case was not continued for a future hearing.

On May 30, 2012, the Respondent submitted a CAO sheet for attending a status hearing on the *Shuecraft* case on May 30, 2012, at the Bridgeview Courthouse. The CAO sheet requested three hours of overtime to be paid to the Respondent. As a result of her submission of her CAO sheet on May 30, 2012, the Respondent was paid for three hours of overtime.

On July 3, 2012, the Respondent submitted a CAO sheet for attending a status hearing on the *Shuecraft* case on July 3, 2012, at the Bridgeview Courthouse. The CAO sheet requested three hours of overtime to be paid to the Respondent

The Respondent was not issued a subpoena nor orally requested to be in court on July 3, 2012, by the State's Attorney's Office or by the Police Department. In fact, no hearing was scheduled and the case was not called on July 3, 2012.

On July 3, 2012, the Respondent indicated on the CAO sheet that Shuecraft was found guilty and sentenced to supervision though the case was not called that day and those events occurred on the May 30, 2012. As a result of her submission of her CAO sheet on July 3, 2012, the Respondent was paid for three hours of overtime.

By complaint dated December 19, 2013, upon a finding of guilt, the Petitioner sought the removal of the Respondent from employment with the CCSP.

Issues Presented

The Respondent was charged based on her actions detailed above with violations of the Rules and Regulations and General Orders of the Cook County Sheriff's Police Department, specifically:

General Order # Per 04-01-D, in its entirety, including, but not limited to, the following subparts:

III. Procedures

E. Required Court/Hearing Attendance

1. Upon notification, Officers are required to appear for all court or hearing dates, during their regular days off, while attending academic training, when on medical roll, vacation, compensatory time and personal time.

F. Missed Court/Hearing Dates

1. Officers who miss court or hearing dates without authorization will submit a detailed To/From memorandum through their chain of command explaining their failure to appear in court. If the case was dismissed due to the Officers non-appearance, the To/From memorandum will include arrangements made for the re-instatement of the case.

G. Court Attendance Log

2. Upon arrival for court hearing, Officers will sign and complete all appropriate information on the Court Attendance Log. In the event of multiple defendants in the same case, the Officer will list the name of the first defendant on the Arrest Report.

Department Rules and Regulations – ROC 00-01-A.2, in its entirety, including, but not limited to, the following subparts:

- 2.16 Members will thoroughly familiarize themselves with the rules and procedures of the Department and the orders issued applicable to them. They will, upon return from any absence for any duration, familiarize themselves with all changes that may have taken place during such absence.

Department Rules and Regulations – ROC 00-01-A.4, in its entirety, including, but not limited to, the following subparts:

- 4.2 No member of the Department will make false official record(s), reports or report any inaccurate, false or improper information.

Department Rules and Regulations – ROC 11-01-A.12, Conduct Regarding the

Performance of Duty, in its entirety, including, but not limited to, the following subparts:

12.7 Conformity to Rules and Regulations, it will be the responsibility of every member of the Department to familiarize themselves with the Rules, Regulations, Orders and Policies of the Department and to conform and abide by the same. Each officer must have a working knowledge of all laws and ordinances in force. Officers will observe all such laws and ordinances and render services to the County with courage, discretion and loyalty.

Department Rules and Regulations – ROC 00-01-A.13 (*Amended from ROC 11-01-A.13 during the trial to correct a typographical error*), Standard of Conduct, in its entirety, including, but not limited to, the following subparts:

13.1 Members will conduct themselves on or off-duty in such a manner as to reflect favorably on the Department. Members will not engage in conduct which discredits the integrity of the Department or its employees or which impairs the operation of the Department.

Department Rules and Regulations – ROC 11-01-A.16, Summary of Actions Subject to Discipline, in its entirety, including, but not limited to, the following subparts:

16.10 Failure to comply with Departmental Policy, Procedures and Orders will subject the member to Summary discipline. This list does not include all possible violations contained in the Rules and Regulations:

16.14 Conduct unbecoming a member of the Department.

16.21 Violation of Departmental general or special orders.

16.22 Any act or omission contrary to good order and discipline of the Department.

General Order # Per 03-01-A, in its entirety, including, but not limited to, the following subparts:

IV. Court Time

A. Officers who attend court while off-duty will receive a minimum of two hours pay, or the actual hours worked whichever is greater. If an officer attends court on a regularly scheduled day off, the Officer will receive a minimum of three hours pay, or the actual hours worked whichever is greater.

B. An off-duty Officer attending a regularly scheduled court date or as a result of a subpoena, must:

1. Notify their supervisor prior to attending court. The name of the Supervisor, along with the date and time of the court

appearance will be noted on the TKA card in the "Remarks" section.

2. Record the case report number(s) or range of ticket numbers on the TKA cards. If the Officer was served with a subpoena, a copy of the subpoena will accompany the subpoena.

C. An Officer who is notified by an ASA that their presence is needed at a pre-trial conference or other pre-trial procedure will notify their immediate Supervisor for authorization to attend. If the pre-trial conference or procedure is during duty hours but extends past the Officer's tour of duty, authorization for overtime must be obtained from a Supervisor.

D. The Assistant State's Attorney cannot approve overtime.

E. An employee is prohibited from:

1. Attending court for a duty-related incident, while on suspension, without prior approval of the First Deputy Chief.

2. Requesting authorization for overtime to attend court if the reason was the result of an employee's participation in secondary employment.

General Order # Org 01-08-D, in its entirety, including, but not limited to, the following subparts:

III. Personnel Management

Sergeants will:

1. Ensure that subordinates devote themselves fully to the attainment of the letter and spirit of Departmental policy and goals and conduct themselves at all times in a manner which reflects credit upon the Department, with emphasis on personnel integrity and professional devotion to law enforcement.

General Order # Org 00-02-D, in its entirety, including, but not limited to, the following subparts:

V. Law Enforcement Officer's Code of Ethics

All sworn Police Officers will abide by the following Law Enforcement Officer's Code of Ethics as adopted and approved by the International Association of Chiefs of Police:

"As a Law Enforcement Officer, my fundamental duty is to serve mankind, to safeguard lives and property, and to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful

against violence and disorder; and to respect the constitutional rights of all men to liberty, equality and justice. I will keep my private life unsullied as an example to all. I will maintain courageous calm in the face of danger, scorn or ridicule. I will develop self-restraint and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that which is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never be officious or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession – law enforcement.”

Additionally, the Respondent’s actions violated the Rules and Regulations of the Cook County Sheriff’s Merit Board, specifically:

Article X, Paragraph B:

No Police Officer of the Cook County Sheriff’s Police Department, Correctional Officer of the Cook County Department of Corrections, or any Deputy Sheriff of the Cook County Sheriff’s Court Services Department shall:

1. Violate any law or statute of any State or of the United States of America.
2. Violate any ordinance of a County or Municipal Government.
3. Violate any of the General Orders, special orders, directives, or rules and regulations of the Cook County Sheriff’s Office.

Finally, that by her actions, Respondent violated the Illinois Criminal Code, specifically, Theft, 720 ILCS 5/16-1(a)(2)(A), in that the Respondent knowingly obtained by deception, control over governmental property, in the form of money payments for overtime not properly or deservedly earned, in the amount of approximately \$4,211.84, with the intent to permanently deprive the Sheriff and Cook County of the use and benefit of that money.

Findings of Fact

This matter was called for trial on October 8-10, 27 and 28, 2014, after the case was continued on several occasions based upon the needs of the Petitioner (Sheriff) and/or the Respondent's request through counsel, and the completion of all discovery matters. At the trial, with a court reporter being present, all witnesses were sworn under oath. The Respondent did testify. During the trial documents were introduced by the Sheriff and the Respondent that were received into evidence. Additionally, there were certain documents that were admitted as Exhibits through agreed upon stipulations by both parties. The Sheriff and Respondent made closings arguments addressing issues in the trial.

Through stipulation between the parties, the Sheriff introduced the following exhibits that were the selected orders cited in the complaint: Exhibit 1 was CCSP General Order 04-01-D; Exhibit 2 was CCSP Rules and Regulations ROC 00-01-A.2; Exhibit 3 was CCSP Rules and Regulations ROC 00-01-A.04; Exhibit 4 was CCSP Rules and Regulations ROC 00-01-A.12; Exhibit 5 was CCSP Rules and Regulations ROC 00-01-A.13; Exhibit 6 was CCSP Rules and Regulations ROC 00-01-A.16; Exhibit 7 was CCSP General Order 03-01-A; Exhibit 8 was CCSP General Order 01-08-D; Exhibit 9 was CCSP General Order 00-02-D; and Exhibit 10 was Article X Section B of the Cook County Sheriff's Merit Board.

The first witness called by the Sheriff was [REDACTED] Investigator, OPR, testified that he was the investigator assigned to investigate the matter involving the Respondent. He introduced a complaint register (Exhibit 20) and bar graph (Exhibit 23) concerning the Respondent that were part of the case file provided to him when the case was initiated. Investigator [REDACTED] testified the investigation was focused on issues surrounding the Respondent's court overtime. Investigator [REDACTED] reviewed the Respondent's overtime claims and made the decision to eliminate a number of them as not being at issue based on the Respondent's court date being either tied to her court key or during her time performing as a Field Training Officer (FTO) for other CCSP officers. Additionally, there were instances of overtime claimed by the Respondent in which her presence was requested by an ASA, via subpoena or was the ticketing officer, which was also eliminated by Investigator [REDACTED]. These aforementioned instances of overtime by the Respondent were not further investigated (and are not part of this trial).

Investigator [REDACTED] testified that the "johns hearings" (prostitution sting) that the Respondent claimed eight hours overtime for on July 26, 2012, took less than two hours. He confirmed this with the other participants of the hearings. There were five cases scheduled in total, four of which were Detective [REDACTED] and one was the Respondent's. Investigator [REDACTED] confirmed that Detective [REDACTED] only claimed two hours on her time card, yet the Respondent claimed eight hours overtime.

Investigator [REDACTED] testified that on the Shuecraft case the Respondent was necessary to be at the initial hearing for Shuecraft as she was involved in the "curbing" of his vehicle. The Respondent was not needed for subsequent dates on the Shuecraft case. The Respondent claimed overtime and signed in on the CAO sheet claiming overtime for this case on a day that no court was scheduled for the Shuecraft case, as it had been resolved on a prior date.

Investigator [REDACTED] testified that on the [REDACTED] Calderon-Aguilar case, the Respondent was not on duty the day the citation was written and therefore would not have needed to be in court for any of the hearings on the case. Investigator [REDACTED] testified that the Respondent claimed three hours overtime for attending a hearing. He further stated, "She had written on the court log-in sheet that she attended the Calderon-Aguilar hearing, but she was admittedly not on duty."

Investigator [REDACTED] testified that on the Gonzalez case that the Respondent submitted overtime cards for two dates in which no hearings were held. He confirmed this by interviewing the ticketing officer, reviewing Passport information, reviewing the court login information and reviewing the ticket that was written.

Investigator [REDACTED] testified that on the Skinner case the Respondent submitted overtime requests for two different days in which hearings were not held on the case.

On the Papaleo case, Investigator [REDACTED] determined that the Respondent was present and claimed overtime on two dates in which the prosecutor's did not request nor need her presence at the hearings. The Respondent was not subpoenaed to either of these hearings.

Investigator [REDACTED] testified that on the Popik case it was a fatal DUI case in which the Respondent was not needed for the court appearances. The Respondent claimed overtime for seven separate occasions related to this case. Two of the occasions she claimed on her COA sheets were dates in which court was not held on this case. The other five were dates that the Respondent's appearance was not requested by the ASA, no subpoenas were issued for her to testify, and testimony from the lead detective in the Popik investigation was that he did not even know why she was there.

Investigator [REDACTED] testified that the Cafi test was a fatal DUI case. He corrected his previous testimony on the Popik case as being a DUI case as opposed to a fatal DUI case. Investigator [REDACTED] stated on the Cafi case the Respondent was not needed for any of the three hearings that she claimed overtime for and he recalled one of the dates was on a date that no hearing was held. After refreshing his memory he said that court was held on all three dates of the Cafi case.

Investigator [REDACTED] said that he interviewed the Respondent on July 24, 2013, after first advising her of her rights, notifying her of the allegations against her, showing her a copy of a notice of allegations and providing her with the opportunity to have representation present. The Respondent had union representation present and signed an acknowledgment of her administrative rights. The interview was incorporated into a signed statement prepared by Investigator [REDACTED] (Exhibit 21) that was signed by the Respondent after she made changes to earlier drafts. The executed waivers and notices were included as part of this exhibit. On September 3, 2013, Investigator [REDACTED] interviewed the Respondent for a second time. The interview was incorporated into a statement signed by the Respondent (Exhibit 22). The Respondent waived counsel on that date but had union representation present with her. Investigator [REDACTED] said he did prepare a summary report of the investigation concerning the

Respondent.

On cross-examination, Investigator [REDACTED] said that he was an investigator with OPR for about a year when he conducted the investigation of the Respondent. He had attended and graduated from law school prior to his employment with OPR. He had not ever been a member of the CCSO, other than with OPR, nor did he have any other previous law enforcement experience. He had conducted or assisted on approximately ten previous investigations and this was his first overtime investigation.

Investigator [REDACTED] said that his typical practice was to type his investigative notes into a memorandum of interview – he called it a “to/from memorandum” – as soon as possible after conducting an interview. In response to questioning as why he did not digitally or otherwise record any of the interviews he said this practice was prohibited per agreement with the Sheriff’s Police and Correctional Officers unions with OPR. He acknowledged that he was not aware of any OPR or CCSP policy regarding the use of recordings.

Continuing on cross-examination, Investigator [REDACTED] said he had received a bar chart initially from personnel that showed the Respondent had claimed approximately 50 days of overtime (he later said in response to a question from the Respondent’s counsel it was about 60 days). He verified the underlying documents but took the document from personnel to be accurate. He created a process in which he eliminated any instances of overtime claimed by the Respondent in which she was the ticketing officer, the court date fell on her court key date or she was subpoenaed by an ASA. On these occasions he assumed that the Respondent was entitled to the overtime and he did not pursue them further. He focused his investigation on any instances of overtime the Respondent claimed in which she was not listed on the face of the corresponding tickets, court key, etc. After an exchange between the Respondent’s counsel and Investigator [REDACTED] concerning general orders, he was directed to the number of cases that he investigated concerning the overtime claimed by the Respondent. Investigator [REDACTED] said that he had reduced the number to 12-15 cases that he investigated fully and that in turn led to the eight cases in which the Respondent improperly claimed overtime. He was questioned concerning his processes for preparing statements and he explained his methodology which ended with having the witness sign and/or initial each page after being provided with an opportunity to make any changes.

There was a brief redirect after the cross-examination was concluded and Investigator [REDACTED] was dismissed subject to recall.

It was also put on the record through an agreed upon stipulation that an employee of the CCSP was entitled to three hours overtime in the event the employee was required to work overtime even if the amount of overtime was less than three hours. If the overtime was more than three hours the employee was entitled to the actual hours worked. This process was delineated as part of the CCSP collective bargaining agreement.

The Sheriff called Officer [REDACTED] CCSP. Officer [REDACTED] testified that he had been with the CCSP for 13 years. He arrested [REDACTED] for DUI after being summoned by the Respondent to a location after she had stopped him and

noticed that [REDACTED] was intoxicated. The Respondent had witnessed [REDACTED] leaving a liquor store and her police vehicle was almost "T-boned" by [REDACTED]. Officer [REDACTED] attended one court appearance concerning [REDACTED] in which he pled guilty to DUI. Officer [REDACTED] said [REDACTED] was a CDL driver.

On cross-examination Officer [REDACTED] acknowledged his familiarity with the CCSD Order (Exhibit 1) regarding court attendance. He stated that the Respondent was a witness on the case. He described the process of attending court and checking in with the court clerk, he could not recall the date and his memory was refreshed with Respondent's Exhibit 3, which was a copy of his court attendance log. He identified the date as being May 30, 2012. The case was continued to July 13, 2012, but he had been told by the ASA that he would not be needed any further on the matter.

On redirect Officer [REDACTED] testified that [REDACTED] pled guilty to the DUI on May 30, 2012. He stated because of the guilty plea there would be no reason for him to attend any future hearings or sentencing.

On re-cross Officer [REDACTED] acknowledged that the court could elect not to accept the guilty plea and have another hearing on the Shuecraft matter. It did not happen.

The trial was adjourned for the day and continued to the following morning, October 9, 2014.

The trial resumed on October 9, 2014, with the Sheriff calling Attorney [REDACTED], Director of Financial Crimes and Public Corruption, CCSO. Attorney [REDACTED] said that he was responsible for the conducting of the "john's administrative hearing" (solicitation of prostitution ordinance violation) on July 26, 2012 at the Maywood, CCSO facility. [REDACTED] said the hearings typically lasted an hour and a half, starting at 10:00 am and usually ending by 11:30 am. He said it was very rare for one to last two hours. The process was for the officers to report into an officer that kept track of the cases as they were presented and to be available when their case was called. He recalled the hearings on July 26, 2012, as being a total of five cases that lasted in total no more than an hour. He could not recall having any contact with the Respondent on that date. She did not testify.

On cross-examination, Attorney [REDACTED] clarified that his role was that of a prosecuting attorney. He said that after the hearings all of the officers were dismissed but he had no recollection of speaking to the Respondent and did not know who, if anyone, told her the hearings were over and it was okay to leave.

The Sheriff then called Detective [REDACTED], CCSO. Detective [REDACTED] was a patrol officer with the CCSP and had been promoted to Detective approximately two years ago. She was at the July 26, 2012, john's hearing as she was the investigating officer on some of the cases. She recalled being at the hearing for about two hours and had submitted an overtime card claiming two hours overtime (introduced as Exhibit 24). She did see the Respondent at the hearings and knew her as the Respondent used to be her patrol sergeant. She saw the Respondent in the hearing waiting room. She did not remember if the Respondent was there the entire time. Detective [REDACTED] had appeared in john's hearings before and could not recall any that had lasted three hours, or five hours or six hours.

On cross-examination Detective ██████ detailed the reporting in procedure to the CCSP officer who kept track of the witnesses and the defendants. She said she had attended five john's hearings in 2012 as an investigating officer. She said that she never left the hearings until someone affiliated with the hearings instructed her to do so.

CCSP Officer ██████ was called by the Sheriff and testified that he has been with the CCSO for approximately 27 years, with 13 years in Corrections and 14 years with the CCSP. Officer ██████ described the process for CCSP members knowing what their court dates were by following a court key that designated a specific date and time assigned to them for court appearances. These same dates from the court key would be listed on any citations they wrote that required a court appearance. Officer ██████ testified the Respondent used to be his supervisor and he regarded her as a very good supervisor who was organized, very detailed, demanded accountability from her officers and demanded accuracy. Officer ██████ further detailed his process on attending court and how when he arrived he was normally accountable to a major and a minor court. Major court addressed DUI's and other serious offenses and minor court was normally routine traffic violations like speeding.

Officer ██████ said that he never missed a court date or appeared on a wrong date. He recalled the ██████ Gonzalez case as being a case where he stopped a female driver in an alley. He prepared an I-Clear report on the stop (Exhibit 25). He issued three traffic citations (Exhibit 26) to ██████ and the Respondent was present during the writing of the citations. The Respondent searched ██████ and another female for Officer ██████ since the subjects were females. The case was initially set for court on July 6, 2012, as per his court key. He said he believed the Respondent's presence was necessary for the first court appearance.

Officer ██████ was involved in the Calderon-Aguilar case in that he was on scene and called a canine unit to the scene, as there was a large amount of cash at the scene. He ended up arresting ██████ for DUI and speeding. He said the Respondent was not working that evening and was not at the scene. He generated an I-Clear report on the matter (Exhibit 27).

Officer ██████ testified that he does indicate on his reports and or citations if a sergeant is on the scene and assisted in the matter. He said that he informs the sergeants if they are needed in court.

Officer ██████ testified that he was involved in the Popik case, which was an individual that was intoxicated and involved in a hit and run. The Respondent assisted in the arrest, as ██████ was combative at the scene. He identified a report prepared by another officer, Officer ██████, as being the narrative for the Popik case (Exhibit 28). He recalled that he went to court three times on the Popik case and said the Respondent was there with him each time. He was not sure how many appearances he had but believed it was three and was certain that he did not go five or more times. He described the process for applying for overtime, which was to turn in a CAO for dates that he worked overtime. He would list any other officers on the sheet who were with him during the court dates that he claimed overtime for.

On cross-examination Officer ██████ identified Respondent's Exhibit 4 as being a

copy of his court key. He testified that as the arresting officer he was often responsible for notifying the witnesses in a case if they needed to be in court. This notification was usually done verbally. He had several cases with the Respondent as she assisted him on several arrests. He would usually notify her verbally if she were needed in court and would remind her before the court date if they had a case together coming up for court. He did not know of any prohibition of going to court without a subpoena.

On redirect he said that he knew an officer could be disciplined for furnishing false information.

Respondent's Exhibit 4 was stipulated to by both parties and admitted.

Detective [REDACTED], CCSP, Investigations, testified that he was the lead detective on the Cafi case, which was a traffic accident with a fatality. He was not at the scene but picked it up early the next morning from Detective [REDACTED] who was. Detective [REDACTED] testified that as the lead detective in the Cafi matter he generated supplemental reports and was subpoenaed to appear in a couple of court hearings. Copies of the subpoenas dated May 26, June 26 and June 28, 2012, were introduced and received into evidence as Sheriff's Exhibit 29. On May 26, 2012, Detective [REDACTED] was meeting with the ASA on the Cafi case and the Respondent appeared at the doorway of the ASA's office. The ASA asked why she was there and the Respondent replied that she had been subpoenaed there for the Cafi matter. The ASA informed her that she had not been subpoenaed for the case, was not needed for the case and the ASA was working with the Detectives on the case.

On cross-examination, Detective [REDACTED] testified that at one time the Respondent had been assigned as a Detective with the CCSP. He said that his knowledge of the case was gained from the reviewing of reports, interviewing witnesses and speaking to the Detective [REDACTED] who was the initial detective in the case. He was not present at the accident scene and did not know whether or not the Respondent had prepared any reports.

Officer [REDACTED], CCSP, was called and testified that he had been with the CCSO for almost 24 years with 11 of the years being with the CCSP. Officer [REDACTED] testified that he went to court on the dates that were according to his court key or if he were subpoenaed to appear. He said that he never showed up for court on dates that he was not required to be there. Officer [REDACTED] said that he was the arresting officer on the Cafi case. He saw the Respondent at the scene but was unaware of her involvement in the matter. He did not believe that he was required to testify in the Cafi case. He said that he was involved in the [REDACTED] Papaleo case as the arresting officer and had to appear in court several time on the matter. [REDACTED] was charged with sexually assaulting his daughter. Officer [REDACTED] said he was subpoenaed for the hearings that he had to testify in. He was not subpoenaed for the sentencing but sis recall that he "popped his head in" for the first sentencing hearing but did not claim any overtime for it even though he was off-duty.

On cross-examination, Officer [REDACTED] said that the Respondent was on the scene when he arrived at the Cafi case. He identified Respondent's Exhibit 5 as being a court attendance log for May 22, 2012. He had written on the log that he was there for numerous cases. He identified the Respondent's name and signature as being on the

log, as well as Officer [REDACTED] and Detective [REDACTED], all three of which listed the Cafi as being the matter they were in court on. Officer [REDACTED] said that he recalled the Respondent was involved in the interview of the victim in the Papaleo case. He said the family of [REDACTED] was making threats to the ASA's and others during the trial. He recalled escorting the ASA's back to their offices after the trial but could not recall if the Respondent was part of the escort team.

Respondent's Exhibit 5 was admitted without objection.

Officer [REDACTED], CCSP, was called and testified that he had been with the CCSO for approximately 20 years with the last ten of those years being with the CCSP. He recalled being at the scene of the [REDACTED] Cafi case and had a probationary police officer (PPO) riding along with him that night. He did see the Respondent at the scene. He could not recall testifying or receiving a subpoena on the Cafi case. He was shown Respondent's Exhibit 5 and he did not see his name on the court attendance log. He could not recall preparing any reports on the Cafi case. He testified on the [REDACTED] Popik case he administered the field sobriety test to [REDACTED]. He recalled that [REDACTED] could not speak English so he had his administration of the test witnessed by the Respondent and Officer [REDACTED]. He identified Sheriff's Exhibit 30 as being the three traffic citations he wrote to [REDACTED] that evening, they were admitted without objection. He identified the court key code as being M-1, which was his court key number. He recalled attending court on the Popik case and recalled that the Respondent and Officer [REDACTED] were there on the first court date. He said that the Respondent was his sergeant and she was good, organized, detailed, demanded accountability and demanded accuracy.

On cross-examination, Officer [REDACTED] testified that there were occasions in which the court key dates were changed by the ASA's office. He had missed a court date in the past but could not recall if it was on the Popik case. He recalled that when he arrived on the Popik case [REDACTED]'s car was already pulled over by Officer [REDACTED] and the Respondent.

On redirect, Officer [REDACTED] had no knowledge the Popik case was called off of his court key date. He did not recall ever being notified by the ASA of any dates to appear nor did he recall telling the Respondent to appear on the Popik case.

The trial ended for the day and was continued to the following day, October 10, 2015.

The trial resumed on October 10, 2014, with the Sheriff calling Assistant State's Attorney (ASA) [REDACTED], Trial Supervisor, Felony Review Team, Cook County State's Attorney's Office (CCSAO). ASA [REDACTED] testified she had been with the CCSAO for approximately 22 years. She testified officers on a case were not needed at arraignment and she never had them there. When she needed an officer to testify in a hearing she always sent them a subpoena. If it were an officer she had worked with in the past she might call them and tell them to expect a subpoena but she always subpoenaed them to testify. She recalled the Cafi case and said that she had subpoenaed Detective [REDACTED] to appear in the case with all of the relevant case files. She did know the Respondent and had not requested her to appear in the Cafi case nor had she issued her a subpoena. She was not needed in court on September 22, 2012.

On cross-examination, ASA [REDACTED] testified that a person could come to a hearing on their own if they desired, or if called by the defense, or if their supervisor told them to appear. She stated that the ASA's office had no role in approving overtime for the CCSP. She did not handle the preliminary hearing or grand jury hearing on the Cafi case.

On redirect, ASA [REDACTED] said that she did ask the Respondent to appear at the May 22, 2012, hearing nor did she issue a subpoena for her.

ASA [REDACTED], Felony Review Unit (FRU), CCSOA, testified that he had been with the CCSAO for approximately five years. He said that he had been with the Felony Review Unit for about five months and prior to that he was assigned to the Bridgeview Courthouse in room 207 for about 3 ½ years as a prosecutor. ASA [REDACTED] said it was his job to prosecute any cases that came to trial and to litigate any motions that came before his courtroom. ASA [REDACTED] testified it was his practice to always subpoena any law enforcement officers that he needed for any trial or hearings, even if he verbally told them to appear. This practice was for him to make sure that notice was given to the officer and a record was made of the request. It was his responsibility to decide which officers testified in a hearing or a trial and it was not uncommon to have an officer's name mentioned in a report that was not required to testify. ASA [REDACTED] testified he was the prosecutor for the Popik case, which was a felony DUI case. He said that Officer [REDACTED] was the only police officer he subpoenaed for the case. He handled the Popik case for about a year but did not handle the trial as he was promoted to the FRU. He said that he knew the Respondent from other cases but did not subpoena or otherwise request her to be in court for the Popik case. He did not interact with the Respondent on the Popik case.

On cross-examination he said that he has released witnesses from a subpoena at a hearing without them being required to testify. He said that he was unfamiliar with the General Orders governing the CCSP. He said that he never subpoenaed the Respondent for the Popik case. He was shown Respondent's Exhibit 6, which he identified as a subpoena for the Respondent on the Popik case. He maintained that he had only subpoenaed Officer [REDACTED] on the Popik case during the time period he handled the case. He testified that he did not know what happened at the trial or who was subpoenaed for the trial. He acknowledged that the reports of the Popik case mentioned both Officer [REDACTED] and the Respondent as being involved in the case.

On redirect ASA [REDACTED] clarified that the subpoena for the Respondent on the Popik case was issued after ASA [REDACTED] transferred to the FRU. It was for the bench trial that was prosecuted by another ASA.

ASA [REDACTED], CCSOA, testified that she had been an ASA for approximately 14 years. She said that she was the lead prosecutor on the [REDACTED] Cafi case. She said that on April 19, 2012, she handled the arraignment of Cafi. She met the Respondent on April 19, at the arraignment as she was seated in the jury box with the other officers who were available as witnesses on any cases that were called that day. ASA [REDACTED] said that she had a conversation with the Respondent who said that she was there on the Cafi case. ASA [REDACTED] said she did not subpoena the Respondent for the arraignment. She said the Respondent requested that she be notified of the next court date on Cafi. ASA [REDACTED] did not contact or subpoena the

Respondent for the next court date.

On cross-examination, ASA [REDACTED] said that she was not familiar with the general orders of the CCSO nor did she have involvement in the overtime procedures for the CCSO. She had no knowledge of the Respondent being requested for the Papaleo case. She also did not recall meeting with the Respondent, Office [REDACTED], or Detective [REDACTED] or Detective [REDACTED] in her office on April 19.

ASA [REDACTED], CCSAO, testified that she had been an ASA for 16 years, with 10 years in the Felony Trial Division. She said that it was her practice to always subpoena officers for court. She said that she never requested them verbally without the issuance of a subpoena. She was the lead prosecutor on the Papaleo case. She knew the Respondent and had subpoenaed her for court on the Papaleo case but did not subpoena her or any other officer for any of the sentencing hearings on Papaleo. She did not request the Respondent or any of the other law enforcement officers who participated in the Papaleo case to be at sentencing for security or as a "show of force." Security of courtrooms was handled by Deputies of the CCSO and not by Sheriff's Police Officers.

On cross-examination, ASA [REDACTED] testified that the Respondent was an important witness in the Papaleo case. She did not recall talking to the Respondent about threats ASA [REDACTED] had received from the family of [REDACTED]. Additionally, she did not recall if the Respondent attended either of the two Papaleo sentencing hearings. ASA [REDACTED] testified that she did not subpoena or otherwise request the Respondent to be there.

ASA [REDACTED], CCSAO, testified that she had been an ASA for approximately 20 years. She was the second chair on the Papaleo case behind ASA [REDACTED]. She said there were multiple court dates on the Papaleo case and recalled that [REDACTED]'s family was disruptive during the proceedings to include the making of threats against the prosecutors and witnesses. She testified that she did not request specific officers for security in the Papaleo case, it was provided by the Court Services, CCSO. She was familiar with the Respondent but did not recall her from the Papaleo case nor did she tell the Respondent to attend the Papaleo sentencing.

On cross-examination, ASA [REDACTED] said that she did not recall who any of the specific officers were that provided security during the Papaleo sentencing but believed they were from Court Services.

Respondent's Exhibit 6 was admitted without objection.

The case was continued to October 27, 2014, as certain witnesses were unavailable until that date.

On October 27, 2014, the trial resumed with Officer [REDACTED], CCSP, being called by the Plaintiff. Officer [REDACTED] testified that he had been employed by the CCSO for 21 years with 20 of the years being with the CCSP. He said that he wrote two tickets in the Skinner case, Sheriff's Exhibit 31, which were moved into evidence. He said the court date for the Skinner case was set according to his court key for July 20, 2012, which he asked the Respondent to handle, as he knew he would be out of town then.

He had no further dealings with the Skinner case.

After a discussion with counsel and opposition argued by the Respondent's counsel, Sheriff's Exhibits 11-18 were admitted. The Sheriff rested. The Respondent moved to have a directed finding that was denied by the Board with the Sheriff being ordered to prepare a written response to the Respondent's written motion. The trial would continue.

The Board reviewed the motion by the Respondent and the Sheriff's post trial response after the trial and the denial of the motion for a directed finding stands.

The Respondent opened their case by calling Officer [REDACTED], Court Officer for the Markham Courthouse, CCSP. Officer [REDACTED] testified that she was responsible for processing and submitting Court Attendance Overtime (CAO) sheets submitted by CCSP Officers to the District Commander for further processing. Once signed by the commander the CAO sheets were submitted to payroll for payment. Additionally, she was responsible for ensuring the court attendance logs were completed and signed by the individual officers who appeared in court. Officer [REDACTED] testified that she knew the Respondent and had been supervised by her indirectly.

On cross-examination, Officer [REDACTED] testified that she did not have any knowledge of the cases that were addressed in the Bridgeview Courthouse. She said that the officers either appeared as part of their court key or because they were subpoenaed. She said the individual officers were supposed to attach a copy of their subpoena to the CAO sheets if they were not there as part of their court key date. She signed the CAO sheets as the court officer.

On redirect, Respondent's Exhibits 7 and 8 were admitted.

Officer [REDACTED], CCSP, testified that he was one of the officers who responded to the scene of the Cafi case. He said the Respondent was there too. Officer [REDACTED] said that he recalled attending court twice on the Cafi case on April 2 and May 22, 2012. He was not told by the ASA that he should not be there nor did he hear if the Respondent was asked why she was there by the ASA. He was paid for the overtime he requested. Respondent's Exhibits 9 through 11 were received into evidence.

Lieutenant (Lt) [REDACTED], CCSP, testified that he had been employed by the CCSO for over 41 years. He was knowledgeable of the general orders governing the CCSP and said it was each individual officer's responsibility to be at every court appearance they were needed for by the ASA. He described the process for completing a CAO sheet and the subsequent approval procedure, as he knew it. He further testified it was the individual officer's responsibility to ensure the documents were accurate, true and proper.

On cross-examination, Lt [REDACTED] testified that the overtime approval process for the CAO sheets was a sign off for completeness and accuracy. The accuracy check was to make sure that all of the parts of the form were completed but it was not an independent verification if the officer actually worked the time or not. He further testified that he supervised sergeants and they were held to higher standard than officers. They were expected to know the rules and regulations and were expected to set an example

for other officers.

After further redirect and cross Lt [REDACTED] was excused and the trial was completed for the day to be resumed on October 28, 2014.

On October 28, 2014, the trial resumed with the introduction of Sheriff's Exhibit 18A in order to complete Exhibit 18. It was entered without objection.

The Respondent called Sergeant (Sgt) [REDACTED], CCSP. Sgt [REDACTED] testified that he had been with the CCSO since February of 1993 and with the CCSP since July of 1997. Sgt [REDACTED] stated that he knew the Respondent very well and described her as a sergeant as being very attentive to her paperwork – almost to the point of being annoying. He has known the Respondent as having personal integrity and a professional devotion to law enforcement.

On cross-examination, he said that it was incumbent upon an officer to be truthful and accurate on their overtime repots and any other paperwork. He said that sergeants are held to a higher standard than other officers. He said the Respondent is detail oriented, is organized, expects reports to be accurate and holds others accountable.

The Respondent was called by her counsel and testified that she had been with the CCSO for 16 years. She testified that she had ranked second overall on the lieutenant's test and the test was principally about her knowledge of the CCSO general orders. She also worked as a professor of criminal justice for Triton College in addition to her employment with the CCSP. She said her understanding was that an officer was required to attend court whenever they made an arrest or were a witness. She said on felonies sometimes you get a subpoena and sometimes you don't.

She was the initial detective on the Papaleo case and attended every court date. She recalled ASA [REDACTED] thanking her for providing security during the Papaleo case. She recalled going to court on the Calderon case as Officer [REDACTED] notified her that they had court on March 16, 2012. She said that she had multiple cases with Officer [REDACTED] as he had a very busy beat that used to be a "two-man" beat but had been reduced to a one-officer beat because of personnel changes. She said that they did not testify on the case.

The Respondent said that she recalled the Skinner case as being a roadside safety check through the "click it or ticket" program. She went to court on the Skinner case, as she was a witness. The first date that she went was July 20, 2012. She knew the date because Officer [REDACTED], CCSP, told her that was the date and he was the officer who wrote the citation. [REDACTED] did not show up on July 20. The Respondent testified that she went to court again on August 28, 2012, as this was the date she had in her phone as the continuation date. On August 28, 2012, she was informed there was no court that day on Skinner as it had happened on a previous date. She asked what the next date was and was told; although, she could not remember the date. She went to court on the next date and was told the case had been resolved previously in August and was no longer needed. She was not disciplined for going to court on the wrong date.

She testified the Gonzalez case was a matter involving a female subject that she

was requested to assist Officer [REDACTED] on in order for her to conduct a pat down of the two female subjects. Officer [REDACTED] wrote [REDACTED] three citations. Officer [REDACTED] made an arrest on the case. The Respondent recalled going to court in August and being told by the ASA that the case was continued because of a no DL. She was not called to testify on the Gonzalez case. She did go to court again, approximately two months later, checked in with the ASA and was told the case was continued to another date. She said the date the case was continued to October 26, 2012, and the previous court date was September 19, 2012. The case was continued again on the October 26 date and the Respondent said that she told the ASA on October 26 to subpoena her for the next hearing as she had shown up the three previous times and was not needed.

The Respondent testified that in the Shuecraft case she was the victim as [REDACTED], after exiting a bar, "blew through the red light and almost T-boned me." The arresting officer was Officer [REDACTED]. She said the first court date was May 25, 2012, at 9:00 am. She was there and signed the court attendance log. The case was continued to 10:30 am and she was there and signed the court attendance log again. Officer [REDACTED] was not there and she did not know why. The case was continued to May 30 as she learned from the ASA. On May 30, Officer [REDACTED] was there and they were both informed by the ASA that neither one of them were needed and were requested to return by the ASA on July 3, 2012. When she returned on July 3, 2012, she learned that the Shuecraft case had been previously resolved by Shuecraft paying a fine and being placed on supervision, she did not know the date this occurred.

The Respondent testified that on the "johns hearings" she was there as she had worked as an undercover officer on an undercover prostitution sting. The hearings were July 26, 2012, and she had been notified to attend by Officer [REDACTED]. She said that she arrived early, around 8:00 am, and checked in with Officer [REDACTED] as between the time she was notified and arrived at the hearing Officer [REDACTED] had replaced Officer [REDACTED]. She was not called for any of the cases and around 4:00 pm she left. She said no one dismissed her from the hearings. She said her CAO sheet had been signed by Officer [REDACTED] at the hearings and approved by Commander [REDACTED] back at her district. She said Officer [REDACTED] signed her card at the end of the day.

The Respondent testified the Popik case was a criminal damage to property that ended up being a DUI arrest. She said the case went on from November 2011 to January 2013 and she went to court several times on it. She said she went to every hearing on the Popik case except for two. The two she missed were because of one that conflicted with the Papaleo case and one that occurred while she was on vacation in Mexico. She was in court on December 23, 2011, on the Popik case. The case was continued to February 10, 2012, which she did not attend as she was in trial on Papaleo. The case was continued to March 22, 2012, which she did attend and then it was continued again to April 27, 2012, which she also attended. The case was again continued to June 5, 2012, which she attended and then it was continued to July 12, 2012, that she also attended. She had never been informed by the ASA that she was not needed for any of the hearings. On July 12, 2012, the case was continued to September 25, 2012 and then again to November 1, 2012, where it was continued to December 12, 2012. She attended all of those hearings except the December 12 hearing date was changed to a trial date in January 2013, which she attended. She was subpoenaed for the January trial date. Popik was found not guilty.

She testified the Cafi case was a serious fatal DUI case. She was at the scene as it was a multi vehicle accident that required numerous officers to handle. While at the scene she heard certain statements from Cafi that she documented in a general progress report. She went to court on the Cafi case as she was notified verbally by Officer [REDACTED] to attend. They had a meeting with the ASA and the other officers involved on April 2, 2012, at the ASA's office. This was also a hearing date. The case was continued to April 19, 2012, which she attended as she had never been told not to attend. The case was continued again to May 22, 2012. On the May 22, 2012, hearing date she gave the ASA her cell phone number and told them if they needed her further to call her or subpoena her.

The Respondent said she was never disciplined nor spoken to about her court attendance or overtime. When she learned of the OPR investigation she attempted to meet with Chief [REDACTED] but it did not happen. He did speak to her on the phone.

Respondent's Exhibits 12-16 were introduced and moved into evidence; with the objection noted that Exhibits 13 and 14 were for mitigation purposes.

On cross-examination, the Respondent testified that as a sergeant she had more responsibilities than a police officer to include the supervision of the officers. She said that she was very detailed oriented, took pride in her work, was a stickler for details and held her officers to do their jobs. When asked if she held her officers to a high standard she replied, "I expect them to do their job." She made sure they were honest and displayed integrity.

She said that she had a good knowledge of the general orders and knew it was her responsibility to be truthful and accurate on her paperwork. She testified the rule on overtime was that if an officer went to court they were paid for at least three hours no matter if the time were less than three hours. If more than three hours it was actual time incurred. She was asked if one of her officers went to court and the court date was over or on a different date would she approve the overtime request? She said that she would if the officer were in uniform and drove their county car to court even if the mistake were the officer's fault.

The Respondent testified on the day of the John's hearings she did not know which case she was there on but had checked in with Officer [REDACTED]. She told Officer [REDACTED] when she went elsewhere in the building. She was not informed when the cases were over and only left when people were leaving for the day. She assumed all of the cases had pled guilty, as she was not called to testify. She listed all of the cases on her overtime card as she did not know which one was set for the John's hearing and she had filled it out in advance. She had Officer [REDACTED] sign her card.

The Respondent testified that on the Skinner case Officer [REDACTED] was not there for any of the court dates. She went to court on August 28, 2012, and learned the case was called the day before. She said that she must have put the wrong court date in her phone. She did put in for overtime for August 28, 2012, even though there was no court on that date. She went to court again on October 3, 2012 and learned the case had been disposed of. She completed a card for October 3.

The Respondent testified that she went to court on March 16, 2012, on the

Calderon case and put in an overtime request for the case. She wrote [REDACTED]'s name on the form, the case number, the booking number, the docket number, the court, the room, the judge, the ASA, the defense lawyer and the charge, all indicating it was the Calderon case. She realized later that she was not there on that case but rather another one, even though she had initially told OPR she was there on that case.

After redirect and additional cross and redirect, the Respondent rested and both sides presented their closing arguments. Upon completion the case was taken under advisement by the board to prepare this decision.

Decision

The Board finds by a preponderance of the evidence through the testimony of the witnesses and the supporting evidence that the Respondent was less than credible in her testimony and took advantage of the CCSP overtime system. She claimed more overtime than she was entitled to and on several occasions claimed overtime for court on dates that she was not even in court. The John's hearing held on July 26, 2012, was at most a hearing that lasted two hours, in which she was entitled to claim three hours overtime, yet she entered a claim for eight hours overtime on that date. Her testimony that she was not told the hearings were over is not credible. Even if this were true it begs the question why did she believe she was entitled to claim five hours additional overtime for her remaining at the Sheriff's Police headquarters after the hearing had concluded. She certainly was not and should have known so.

It is important to note that the Respondent was a sergeant, a supervisor, who was known to be attentive to detail and had a strong knowledge of the General Orders and other rules of the CCSP. She testified that she was very detail oriented.

The Calderon case is very troubling in that it was a matter in which the Respondent was not working on the date of the arrest. She appeared in court on March 16, 2012, and prepared a detailed time card showing that she was in court. She later tried to explain she had the wrong case. She even initially told OPR that she was there for the case and then on a separate interview recanted. She claimed overtime for this matter when she went to court on a case that she had no involvement with even though her court card made it appear as if she did.

The Gonzalez case was an additional case in which she claimed overtime on two separate occasions (September 19 and October 26, 2012) after the case had already been disposed of previously on July 6, 2012. The case was over so once again there was no need to attend court on the case - if she did.

The Skinner case is another case in which the Respondent claimed overtime for a court date of August 28, 2012 that did not exist for the Skinner case, as the court key date was August 27, 2012, in which the matter was resolved and dismissed. The Respondent further improperly claimed overtime on October 3, 2012, for the Skinner case, which had been dismissed previously on August 27, 2012.

There was much discussion about officers attending court only if subpoenaed or if scheduled via the court keys and not if verbally directed by the ASA or informed by another officer of the court date. There is not clarity on this and common sense would

dictate that all could apply at different times depending on the communication or lack thereof. It is still incumbent on the individual officers to appear when requested or scheduled; however, it is always the duty of any officer, no matter the rank, to be truthful in their documentation and only to claim overtime that they actually worked or were entitled to via the "three hour rule." To embellish the time worked or to claim overtime when it was not actually worked is improper. To claim overtime not actually worked is wrong, against policy and arguably illegal. All of these events described above are in violation of standing General Orders and Sheriff's Orders.

Possibly more due diligence in the future on the part of supervision would be helpful as a quality control for the organization concerning overtime, to include tracking overtime trends of claims beyond what the average employee works, but it still rests on the integrity of the individual employee. A person of command rank, as the Respondent was, certainly should know better than to make improper overtime claims no matter who later signed off on them based on trusting her submission. The Respondent was known as a person who knew the rules and had a duty to be accurate in her submissions as she counseled other officers for not being accurate in their submissions.


Conclusions of Law

Based on the evidence presented and after assessing the credibility of the witnesses and the weight to be given the evidence in the record, The Board finds that Respondent Tamara Wuerffel, Star Number 42, CCSP, did violate General Order Per 04-01-D, Section III, E1, F1 and G2; Departmental Rules and Regulations, ROC 00.01-A.4, Section 4.2; Departmental Rules and Regulations, ROC 11-01-A.12, Section 12.7; Departmental Rules and Regulations, ROC 00.01-A.13, Section 13.1; Departmental Rules and Regulations; ROC 11.01-A.16, Sections 16.10, 16.14, 16.21 and 16.22; General Order Org 00.02-D,V; and Article X, Paragraph B, 1-3, of the Rules of the Cook County Sheriff's Merit Board.


The Sheriff withdrew allegations of the Respondent violating Departmental Rules and Regulations ROC 00.01-A.2, Section 2.16; General Order Per 03-01-A; and General Order Org 01.08-D; therefore, these allegations are removed from this case.


The Respondent was also alleged to have violated the Illinois Criminal Code, specifically, Theft, 720 ILCS 5/16-1(a)(2)(A), in that the Respondent knowingly obtained by deception, control over governmental property, in the form of money payments for overtime not properly or deservedly earned, in the amount of approximately \$4,211.84, with the intent to permanently deprive the Sheriff and Cook County of the use and benefit of that money. As this is a criminal charge outside of the purview of the Board, other than any of the elements included within the General Orders, other orders or Rules and Regulations of the CCSP - the Board makes no ruling on this charge. However, as stated above the Board did find by a preponderance of the evidence the Respondent did falsely claim overtime that she was not entitled to receive.

Wherefore, based on the foregoing, it is hereby ordered that the Respondent Tamara Wuerffel, be and is separated from employment with the Cook County Sheriff's Office effective December 19, 2013.


James P. Nally, Chairman


Byron Brazier, Vice Chairman


Brian Riordan, Board Member


John Dalicandro, Secretary


~~Jennifer E. Bae~~, Board Member


Kim R. Widup, Board Member


Patrick Brady, Board Member


Vincent T. Winters, Board Member

Dated:

June 10, 2015