

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
Vs.) Docket # 1724
Correctional Officer)
Natasha Mosley)
Employee # [REDACTED])
Star #9683)

DECISION

THIS MATTER COMING ON to be heard pursuant to notice before the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction:

1. Natasha Mosley, (hereinafter "Respondent") holds a position as a Correctional Officer which involves duties and responsibilities to the public.
2. 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.
3. The Board has jurisdiction of the subject matter of the parties in accordance with Chapter 55 of the Illinois Compiled Statutes.
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 complaint.
5. The Board has heard the evidence presented by the Sheriff and the Respondent, and evaluated the credibility of the witnesses and supporting evidence.

Background

By complaint dated July 18, 2013, Sheriff Thomas J. Dart, sought the termination of Respondent. The complaint alleges that on March 20, 2012, Respondent was assigned to Division IV of the Cook County Department of Corrections, and that while on duty, grabbed and shoved Correctional Sergeant [REDACTED] used profanity; was verbally abusive toward detainees housed on Tier K-1; made false official statements to the Cook County Sheriff's Office of Professional Review; and refused several direct orders from supervisor officers.

These alleged acts violated the Rules and Regulations and General Orders of the Cook County Sheriff's Police Department, specifically:

GENERAL ORDER 3.8

III. REQUIREMENTS

A. Compliance with Laws and Regulations

1. Employees will obey all federal, state, county and municipal laws.
4. Employees will comply with lawful departmental rules, written procedures, Directives, bulletins, and verbal orders issued by the proper authorities.

D. Professional Conduct

1. Employees will refrain from the use of abusive or obscene language, threats, and coercion.
2. Detainees will not be subjected to sexual, emotional, verbal or physical abuse Or the use of unnecessary levels of force.

GENERAL ORDER 4.1

III. REQUIREMENTS

A. Guidelines for serious misconduct include, but are not limited to:

5. Failure to observe all Federal, State, and local laws.
10. Inmate, employee or visitor abuse
17. Engage in any conduct unbecoming to an employee of the Cook County Department of Corrections which tends to reflect discredit on the Department of corrections or Sheriff's office.
18. Making a false official report, either oral or written.

B. Guidelines for less serious misconduct include, but are not limited to:

1. Use of loud and profane language

Furthermore, the Respondent's actions violated the Rules and Regulations of the County Sheriff's Merit Board, specifically:

COOK COUNTY SHERIFF'S DEPARTMENT MERIT BOARD RULES AND REGULATIONS

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 Deputy Sheriff of the Cook County Sheriff's Court Services Department will:

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

Issues Presented: Whether the actions of the Respondent violated any of the General Orders and Rules and Regulations set forth above and what if any discipline is appropriate if a violation occurred.

Resolution of Issues Presented: The Merit Board finds that a violation of General Orders 3.8, III A.1, A.4; D.1, D.2; General Orders 4.1, III A.5, A.10, A.17, A.18, B.18 and Article X paragraph B 1,2, and 3 of the Rules and Regulations of the Cook County Sheriff's Merit Board occurred.

Findings of Fact: Evidentiary hearings in this matter were held on September 25, 2014 at the Cook County Administration Building, 69 West Washington Street, Room 1100, Chicago, Illinois, and on February 5, 2015 at both the Cook County Administration Building and the State of Illinois Center, 100 West Randolph Street, Chicago, Illinois. Present were Petitioners by counsel, Assistant State's Attorney [REDACTED] and [REDACTED], Assistant General Counsel. Also present was Respondent by counsel, [REDACTED]. Four witnesses testified for the Sheriff: [REDACTED], [REDACTED], [REDACTED], and [REDACTED] Natasha Mosley was a witness for the Respondent.

Sheriff Exhibits 1 through 10 were admitted into evidence.

DIRECT EXAMINATION

Witness [REDACTED] testified at the relevant times. [REDACTED] is a Sergeant at the Cook County Department of Corrections. On March 20, 2012, Sergeant [REDACTED] was on duty in Division 4, on the 3-11 shift when she responded to a disturbance in K-1, an area of segregation for female detainees. The Respondent, assigned and on duty in K-1, opened the door for the Sergeant and explained that one of the inmates had flooded her cell. Sergeant [REDACTED] went to the cell, identified the inmate who flooded her cell, and took the inmate to the janitor's closet located outside the tier in order to obtain the necessary equipment to clean up the mess. Upon their return to K-1, there was another detainee, [REDACTED], attempting to make a telephone call at the pay phone located near the door. As the first detainee proceeded to clean her cell, words were exchanged between the Respondent and detainee [REDACTED], still in the telephone area. Sergeant [REDACTED] removed herself from supervising the clean up and proceeded to intervene in

the escalating interaction between the Respondent and [REDACTED]. At that point, the Respondent struck Sergeant [REDACTED] by slapping her arm to side.

To deescalate the confrontation, Sergeant [REDACTED] asked the Respondent to go into the interlock, a glass walled office within the tier. As the Respondent paced within the interlock, Sergeant [REDACTED] continued to ask as to the reason for her agitation. Once the Respondent sat down, she then popped up and grabbed Sergeant [REDACTED] physically moving her out of the way of the door. At that point, Sergeant [REDACTED] asked for the Respondent's keys, and they both left the tier, heading for the lieutenant's office.

In the lieutenant's office with Lieutenant [REDACTED] on duty, Sergeant [REDACTED] explained that the Respondent hit her twice. Commander [REDACTED] arrived at the lieutenant's office, and left with Sergeant [REDACTED] as the Respondent remained with Lieutenant [REDACTED]

CROSS EXAMINATION

Sergeant [REDACTED] explained that only when the conversation between detainee [REDACTED] and the Respondent became heated did she intervene by announcing 'enough is enough' to both parties. Sergeant [REDACTED] also understood that by asking the Respondent to accompany her to the lieutenant's office, she left the tier unsupervised, but Sergeant [REDACTED] felt the need to alert the shift commander of the situation.

REDIRECT EXAMINATION

Testimony centered on the triangular positions of the three people in the tier at the time of the initial incident outside the interlock, with Sergeant [REDACTED] in between, but not in front of detainee [REDACTED] and the Respondent; the position of [REDACTED]'s hands, elbow at her side and her hand – palm up, when announcing 'enough is enough' and concluding with the position of Respondent's hands on Sergeant [REDACTED] during the second incident in the interlock.

DIRECT EXAMINATION

[REDACTED] testified at the relevant times. A lieutenant for the Department of Corrections, Lieutenant [REDACTED] was the shift commander of Division 4 on March 20, 2012. The Lieutenant recounted the meeting with the Respondent and Sergeant [REDACTED]. Both came into her office, the Sergeant first, and both were distressed. As the Sergeant asked if she could speak to her, the Respondent was yelling. Lieutenant [REDACTED] immediately tried to calm the Respondent. At that point, the Commander came in and took Sergeant [REDACTED] away from the office. The Lieutenant continued to attempt to calm the Respondent, having no understanding of what precipitated the yelling. The Respondent then requested to have union representation present. All conversation ceased from that moment forward.

CROSS EXAMINATION

Lieutenant [REDACTED] confirmed that she did not personally witness the alleged incidents had no knowledge of what actually occurred on the tier.

DIRECT EXAMINATION

██████████ testified at the relevant times. Commander ██████████ was the Commander on duty of Division 4 on March 20, 2012, and was in the shift commander's office when both Sergeant ██████████ and the Respondent came in. Both were upset, but the Respondent was "screaming and yelling" and was told by the Commander to calm down. Sergeant ██████████ told both the Commander and the Lieutenant that the Respondent "put her hands on me" numerous times, while the Respondent continued to yell. After a number of requests by Lieutenant ██████████ for the Respondent to calm down, Commander ██████████ removed Sergeant ██████████ from the office and they both went to a separate office.

CROSS EXAMINATION

Commander ██████████ confirmed that she also did not personally witness the alleged incidents on the tier that day.

DIRECT EXAMINATION

██████████ testified at the relevant times. Investigator ██████████ was the senior investigator on ██████████, the investigation related to the events of March 20, 2012. Investigator ██████████ recapitulated the OPR investigation, including the notification of allegations (Exhibit 4), administrative proceeding rights (Exhibit 5), and waiver of counsel ((Exhibit 6). Exhibit 7 was the signed statement from Respondent. The Respondent relayed to investigators that Sergeant ██████████ after being contacted by the Respondent due to flooding in a cell, got into an argument with a detainee in the tier. (The detainee was not identified). The Respondent told investigators that Sergeant ██████████ pushed the Respondent with both hands into the interlock. Respondent handed the Sergeant the keys and told her she was going to the commander's office. The Respondent denied all allegations against her.

Exhibit 8 was the disciplinary history of Respondent, read by Investigator ██████████

October 31, 2011	Insubordination
January 25, 2012	No medical time
May 24, 2012	No medical time
June 12, 2012	Insubordination. Seven day suspension. Discipline completed.
August 30, 2012	No personal time. Suspension one day.
September 12, 2012	No compensatory time. Three day suspension.
February 11, 2013	Insubordination. Suspension one day.
April 9, 2103	Exonerated, duty status changed.
May 17, 2013	Post desertion, three day suspension
May 17, 2013	Three day suspension, unsatisfactory work performance

Investigator ██████████ concluded that based on the investigation, the Respondent did use abusive language toward the inmates on the tier; used obscenities in front of Commander ██████████ Sergeant ██████████ and other staff that were present; and that the Respondent grabbed and shoved Sergeant ██████████ on tier K1 on that date.

DIRECT EXAMINATION (Via videoconferencing, ██████████)

Witness ██████████ testified at the relevant times. Ms. ██████████ is currently an inmate at the ██████████. Prior to her housing at the Illinois Department of Corrections, she was a detainee at the Cook County Jail. On March 20, 2012, she recounted how she was housed in K-1 when inmate ██████████ had flooded her cell. Inmate ██████████ testified that she was out of her cell at the pay telephone area when the incident occurred, and observed that the Respondent was verbally trading obscenities with inmate ██████████. When Sergeant ██████████ arrived and entered the tier near the telephone area, inmate ██████████ asked to speak to her. This drew the wrath of Respondent, as inmate ██████████ did not ask for permission to speak with Respondent's "white shirt" Sergeant.

Words were exchanged between inmate ██████████ and the Respondent. Consequently, Respondent ordered inmate ██████████ to get off the phone. When ██████████ refused, pointing out that it was inmate ██████████ that caused Respondent's anger, not her, Respondent began to attack inmate ██████████, grabbing Sergeant ██████████ and attempting to move her out of her way. Inmate ██████████ testified that as Sergeant ██████████ told Respondent to calm down, Respondent slapped the Sergeant's arm away.

CROSS EXAMINATION

Inmate ██████████ confirmed that there were more than three inmates in the dayroom at the time of the incident. She also testified that she wasn't actually on the phone, but trying to make a phone call during the incident.

DIRECT EXAMINATION

Natasha Mosley (Respondent) testified at the relevant times. Respondent reiterated policy that inmates that flood their cells are not permitted out of their cells without a call for back up. Sergeant ██████████ arrived and allowed inmate ██████████ out of her cell in order to perform clean up, and escorted ██████████ out of tier area to the utility room. Upon returning, Sergeant ██████████ encountered Respondent and inmate ██████████ having words at the telephone area. Respondent testified that as the words escalated, inmate ██████████ left the phone area and took a step towards Respondent. With Sergeant ██████████ in the middle of the two trying to get a handle of the situation, the Sergeant turned around and pushed Respondent into the interlock, falling back into a chair. Respondent further testified that after she was pushed, she relinquished her keys to Sergeant ██████████ was buzzed out of the interlock by the Sergeant, and headed straight to the shift commander's office, with Sergeant ██████████ following.

CROSS EXAMINATION

Respondent insisted that the flooded cell by inmate ██████████ did not make her upset, as ██████████ has flooded her cell on more than one occasion. The Respondent also insisted that speaking to the officer in charge of the floor, rather than a supervisor that may appear occasionally is common

sense and is taught at the academy – but there was nothing that the Respondent could point to that this rule is in writing.

Respondent testified that inmate [REDACTED] began the fracas by asking Sergeant [REDACTED] a question regarding “commissary”, and when she didn’t receive the answer she was looking for, became belligerent. As words escalated between [REDACTED] and Respondent, Sergeant [REDACTED] returned to the tier. When Sergeant [REDACTED] told Respondent to stop arguing with an inmate, Respondent testified that she stopped arguing -- and as she stopped arguing and was told to sit down, Sergeant [REDACTED] used both hands and pushed Respondent backward, losing balance, and falling into the chair in the interlock. Finally, the Respondent testified that she never put her hands on Sergeant [REDACTED] at any time during this incident, and had her hands in her pockets when she was pushed.

Conclusions of Law: Based on the evidence presented, and after assessing the credibility of witnesses and the weight given to the evidence in the record, the Merit Board finds that the Sheriff has proven by a preponderance of evidence that the Respondent did violate each and every general order, Sheriff’s order and rule and regulation as set forth in the complaint filed herein. Further, the Board finds that Respondent was not credible and not believable in her testimony.

Order: Wherefore, based on the foregoing, it is hereby ordered that the Respondent Natasha Mosley be separated from employment with the Cook County Sheriff’s Department effective July 18, 2013.

Natasha Mosley #1724



James P. Nally, Chairman



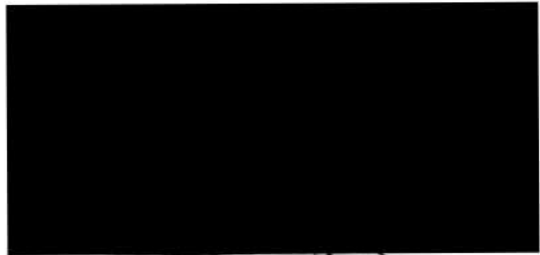
Patrick Brady, Board Member



Brian J. Riordan, Board Member



John J. Galicandro, Secretary



Kim R. Widup, Board Member



Vincent T. Winters, Board Member



Byron T. Brazier, Vice Chairman



Jennifer Bac, Board Member

Dated: October 15, 2015