

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
vs.)
Roy Salas) Docket No. 1771
Correctional Officer)
Star # 4096)

DECISION

This matter coming on to be heard pursuant to notice before Kim R. Widup, Board Member, on January 8, 2015, the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

Roy Salas, hereinafter "Respondent," was appointed a Correctional Officer on February 17, 1998. Respondent's position as a Correctional Officer 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 17, 1998, the Respondent was appointed a Correctional Officer assigned to Division XI of the Cook County Department of Corrections (CCDOC), located at 3015 S. California Boulevard, Chicago, IL.

On October 31, 2011, while on duty in Division XI of the CCDOC, Correctional Lieutenant (C/Lt.) [redacted] used excessive force against detainee [redacted] [redacted] by striking detainee [redacted] in the face, bringing detainee [redacted] to the ground, and kicking/stomping on detainee [redacted] head while detainee [redacted] was being held on the ground by C/Lt. [redacted] causing injury to detainee [redacted] specifically an injury to detainee [redacted] left eye.

On October 31, 2011, the use of excessive force by C/Lt. [REDACTED] against detainee [REDACTED] occurred in the presence of Respondent.

On October 31, 2011, despite witnessing the use of excessive force by C/Lt. [REDACTED] against detainee [REDACTED] Respondent completed an Incident Report and in that report Respondent failed to document that C/Lt. [REDACTED] struck detainee [REDACTED] in the face and kicked/stomped on detainee [REDACTED] head while detainee [REDACTED] was being held on the ground by C/Lt. [REDACTED]

In addition, Respondent falsely reported in the Incident Report that detainee [REDACTED] charged at C/Lt. [REDACTED] with closed fists and that C/Lt. [REDACTED] took detainee [REDACTED] down to the ground with no further incident.

A videotape recording from a Division XI stationary camera of October 31, 2011 shows C/Lt. [REDACTED] opening the bullpen door and immediately striking detainee [REDACTED] in the face with his hand. The videotape recording then shows C/Lt. [REDACTED] taking detainee [REDACTED] to the ground. The videotape recording further shows C/Lt. [REDACTED] kicking/stomping on detainee [REDACTED] head as detainee [REDACTED] was being held on the ground by C/Lt. [REDACTED] all while Respondent and other correctional officers are standing behind C/Lt. [REDACTED] observing the incident. Additionally, the videotape recording shows C/Lt. [REDACTED] and Respondent along with other correctional officers exiting the bullpen and leaving detainee [REDACTED] in the bullpen and un-cuffed.

On February 26, 2014, Respondent was interviewed and provided a signed statement to investigators from the Cook County Sheriff's Office of Professional Review (OPR). Respondent admitted that he authored the Incident Report with tracking number 11-10-11-0738.

On February 26, 2014, Respondent stated to investigators from the OPR that his report was a true and accurate statement of what he saw.

On February 26, 2014, Respondent was shown the videotape recording of October 31, 2011 by investigators from the OPR and, after viewing the video; Respondent identified the correctional officers in the video as Correctional Officer (CO) [REDACTED] [REDACTED] CO [REDACTED] [REDACTED] CO [REDACTED] [REDACTED] himself and C/Lt. [REDACTED]

On February 26, 2014, Respondent stated to investigators from the OPR that combative detainees are usually cuffed after control and security has been maintained but does not know why detainee [REDACTED] was not handcuffed after the incident on October 31, 2011.

By complaint dated July 8, 2014, upon a finding of guilt, the Petitioner sought the suspension from duty of the Respondent for a period of 45 days.

Issues Presented

The Respondent was charged based on his actions detailed above with violations of the Rules and Regulations and General Orders of the Cook County Department of Corrections, specifically:

Sheriff's Order 11.2.2.0 (effective September 19, 2011), Response to Resistance/Use of Force Duties, Notifications and Reporting Procedures, in its entirety, including but not limited to, the following subparts:

II. POLICY

Staff involved in a response to resistance/use of force incident, whether on-duty or off-duty must be in compliance with procedures stated in the current CCSO Response to Resistance/Use of Force Policy.

The CCSO utilizes the Use of force Model (2010) – John C. Desmedt and Protective Safety Systems Incorporated to provide guidance on the appropriate amount of force to be used to accomplish a lawful purpose and to articulate a detailed report on the officer's actions. The Use of Force Model employs the progressive and reasonable escalation and de-escalation of officer applied force in proportional response to the actions and level of resistance offered by a subject.

Ever response to resistance/use of force greater than social control, officer presence or verbal control must be reported as outlined in this directive.

V. DUTIES, NOTIFICATIONS, AND REPORTING PROCEDURE

A. Reporting alleged or actual excessive force incidents.

Any employee:

1. With knowledge of the suspected and/or actual excessive use of force or knowledge of an excessive use of force allegation shall immediately verbally report this information to his/her supervisor. The immediate supervisor shall report the verbal notification to the watch commander. The watch commander may require the employee to complete and submit a To/From Memorandum.

Sheriff's Order 11.2.1.0 (effective September 19, 2011), Response to Resistance/Use of Force Policy, in its entirety, including but not limited to, the following subparts:

II. POLICY

Officers shall use an amount of force reasonable and necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect the officer(s) or others from injury, as specified by federal/Illinois statutes and case law.

The CCSO utilizes the Use of Force Model (2010) – John C. Desmedt and Protective Safety Systems Incorporated to provide guidance on the appropriate amount of force to be used to effect a lawful purpose and to articulate a detailed report on the officer's actions. The Use of Force model employs the progressive and reasonable escalation and de-escalation of officer applied force in proportional response to the actions and level of resistance offered by a subject.

Every use of force greater than social control, officer presence or verbal control must be reported as outlined in this directive. Officers shall not unreasonably endanger themselves or another person to conform to the restrictions of this directive.

V. DEFINITIONS

E. Excessive force – The application of an unreasonable amount of force in a given incident based on the totality of the circumstances.

VIII. PROCEDURES

C. Intervention during excessive force incidents. If an officer knows that another officer is using excessive force against a subject, the officer must take appropriate action. The action required by the officer shall depend upon the circumstances of the incident. However, appropriate actions may include, but are not limited to, verbal or physical intervention, immediate notification to a supervisor, or a direct order by a supervisor to cease the use of excessive force.

D. Reporting alleged or actual excessive force incidents.

Any employee:

1. With knowledge of the suspected and/or actual excessive use of force or knowledge of an excessive use of force allegation shall immediately verbally report this information to his/her supervisor. The immediate supervisor shall report the verbal notification to the watch commander. The watch commander may require the employee to complete and submit a To/From Memorandum.

2. Witnessing a use of force incident shall be required to complete and submit to the responding supervisor a Witness Statement as part of the Data Collection Form completed by the watch commander prior to the end of the shift.

XIII. APPLICABILITY

A. By order of the Sheriff of Cook County, this Sheriff's Order applies to all CCSO officers and must be strictly observed.

B. Any conflicts with previous orders, policies or procedures shall be resolved in favor of this order.

C. All CCSO officers are required to familiarize themselves with the contents of this order and to adhere to the policy established herein.

General Order 24.9.1.0 (effective July 11, 2011), Reporting Incidents, in its entirety, including but not limited to, the following subparts:

II. POLICY

It is the policy of the CCDOC to have written procedures for reporting and documenting incidents involving staff, inmates, and visitors, as well as to ensure that incidents or problems with the facility, i.e., sanitation, plumbing, electrical, ventilation, or any other situation that creates a dangerous workplace, are reported and documented in a timely and professional manner. Employees shall immediately report to their supervisor any information indicating a violation or attempted violation of criminal laws, or a threat to the safety and security of the facility, its property or any person.

Reports shall be made verbally and in writing as directed by this order.

VII. PROCEDURES

A. Notification

1. All reportable incidents occurring within CCDOC involving staff, inmates, or visitors are required to be verbally reported and documented on an Incident Report by staff via the chain of command.
2. Response to resistance/use of force incidents by staff shall be reported in accordance with the current Cook County Sheriff's Office (CCSO) Response to Resistance/Use of Force Policy.

B. Incident Report Requirements

2. CCDOC staff shall completely and accurately document any incident or situation that he or she observes or that is reported to him/her.
3. All CCDOC staff shall promptly prepare the Incident Report and forward the report to the supervisor.
6. Incident Reports shall be prepared immediately after an incident in order to be as accurate as possible; however, they shall be completed, submitted and reviewed by a supervisor prior to being relieved from duty.

C. Any employee failing to file a report or filing a false report shall be subject to disciplinary action up to and including termination of employment and/or the filing of criminal charges.

F. General Reporting Guidelines

2. Complete and accurate documentation of events and incidents within CCDOC facilities and other sites are essential. Written reports and

reports in IMACS serve to keep staff informed of developments and problem areas within the facility. Reports are also instrumental in the planning and implementation of Sheriff's Office policies and procedures.

General Order 3.8 – Ethics and Standards of Conduct, in its entirety, including but not limited to, the following subparts:

I POLICY

It is the policy of the Cook County Department of Corrections (CCDOC) that employees will conduct themselves in a professional and ethical manner, both on and off duty. Employees will not engage in activities unbecoming of county employees, or conduct that reflects unfavorably to the Office of the Sheriff of Cook County.

III. REQUIREMENTS

The CCDOC Code of Ethics requires the highest level of conduct from all employees. It is the expectation that sworn and civilian employees conduct themselves with high standards of professional conduct and behavior. Employees that fail [sic] to maintain high standards of conduct and ethics, will be subject to corrective or disciplinary action, and may include recommendation for termination.

A. Compliance with Laws and Regulations

4. Employees will comply with lawful departmental rules, written procedures, directives, bulletins, and verbal orders issued by the proper authorities.

General Order 4.1 – Internal Investigations, in its entirety, including but not limited to, the following subparts:

III. REQUIREMENTS

Misconduct, which impairs an employee's ability to perform his/her assigned responsibilities, or adversely affects or involves the Cook County Department of Corrections and/or the Office of the Sheriff of Cook County may be cause for disciplinary action.

Serious misconduct would include those violations of the law, which constitutes a misdemeanor or a felony, or alleged/suspected, violations of Cook County Department of Corrections rules and orders which pose a threat to the safety of staff or inmates or the security of the institution. Included also is misconduct committed while an employee is off duty/outside the institution where in the official character and status of the employee as a correctional officer, deputy sheriff, law enforcement officer, or civilian correctional employee becomes identifiable and calls into question the reputation of the County of Cook, the Office of the Sheriff, or the Department of Corrections.

A. Guidelines for Serious Misconduct include, but are not limited to:

17. Engage in any conduct unbecoming 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.

Sheriff's Order 11.2.20.0 (effective January 25, 2013) – Rules of Conduct, in its entirety, including but not limited to, the following subparts:

II. POLICY

The CCSO serves the citizens of Cook County by performing law enforcement functions in a professional manner, and it is to these citizens that the CCSO is ultimately responsible. Employees of the CCSO shall conduct themselves in a professional and ethical manner both on and off duty. Employees shall not engage in activities that reflect unfavorably on the CCSO but shall instead serve to further the mission of service.

D. Prohibited associations, establishments, and activities.

25. Fail to cooperate or fail to be truthful with external and/or internal agencies in an investigation of a criminal or civil matter.

H. Reporting violations.

4. Employees are prohibited from making a false report, written or oral.

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

Cook County Sheriff's Department Merit Board Rules and Regulations, in its entirety, including but not limited to, the following subparts:

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.

Findings of Fact

This matter was called for trial on January 8, 2015, 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 and Respondent introduced joint exhibits that were the following: Joint Exhibit 1 (J-Exhibit 1) was the complaint in the matter; J-Exhibit 2 was a videodisk showing the video camera footage from October 31, 2011; J-Exhibit 3, was the CCDOC Incident Report dated October 31, 2011; J-Exhibit 4 was the statement of the Respondent to OPR and related documents; J-Exhibit 5 was Sheriff's Order 11.2.2.0; J-Exhibit 6 was Sheriff's Order 11.2.1.0; J-Exhibit 7 was Sheriff's General Order 24.9.1.0; J-Exhibit 8 was General Order 3.8; J-Exhibit 9 was General Order 4.1; J-Exhibit 10 was Sheriff's Order 11.2.20.0; J-Exhibit 11 was Article X, Rules and Regulations of the Cook County Sheriff's Merit Board, paragraph B; and J-Exhibit 12 was a complaint register dated November 7, 2011, by an individual named [REDACTED] [REDACTED]

The first witness called by the Sheriff was [REDACTED] Investigator, OPR, who testified that she was the investigator assigned to investigate the matter involving the Respondent. She testified that she is the Assistant Director of OPR, had been with the CCSO for 21 years and with OPR for six years. One of her principal duties with OPR was that she oversees the excessive force unit. She said that she had personally conducted well over one hundred excessive force investigations. Investigator [REDACTED] conducted the investigation of the Respondent and had help as needed. The investigation of the Respondent was the outgrowth of an investigation that had been initiated against another CCDOC employee, Lt [REDACTED] [REDACTED]

Investigator [REDACTED] said in reviewing the video recording (J-Exhibit 2) of an incident in which Lt [REDACTED] and other CCDOC employees used excessive force against inmate [REDACTED] [REDACTED] ([REDACTED] and viewing the statement of the Respondent she noticed they did not match. Investigator [REDACTED] clarified that the statement of the Respondent she was referring to was the Cook County Incident Report prepared by the Respondent (J-Exhibit 3) dated October 31, 2011. Investigator [REDACTED] said there was a gap in time from the date of the incident until she received the matter in 2014 as the case was under consideration for criminal action by the Cook County State's Attorney's Office.

Investigator [REDACTED] said she interviewed the Respondent regarding the video of the incident involving Lt [REDACTED] and [REDACTED] at her offices in OPR (on February 26, 2014). She reviewed the video with the Respondent showing Lt [REDACTED] [REDACTED] other CCDOC officers and himself in the video. Investigator [REDACTED] showed the Respondent his incident report (J-Exhibit 3) and he told her he could not remember the incident, but based on his review of the video and his incident report "his documents were accurate and true on the incident report."

The Respondent wrote in his incident report (J-Exhibit 3), under Statement of Facts:

"... [REDACTED] ...charged at Lt [REDACTED] with closed fists, at which time Lt [REDACTED] took detainee down with no further incident. Detainee was escorted to Div XI dispensary for medical evaluation upon further evaluation detainee was sent to Cormac."

Investigator [REDACTED] prepared a statement of the interview with the Respondent (dated February 26, 2104), which he signed and initialed (J-Exhibit 4). In the statement the Respondent said he did not recall much about the incident. He said his report was a true and accurate statement of what he saw and "he did not see the initial contact made by Lt. [REDACTED] his statement reflects what he saw when he entered the bullpen. CO Salas said the detainee was not combative toward him. CO Salas further stated that combative detainees are usually cuffed after control and security has been maintained. CO Salas stated he doesn't know why the detainee wasn't cuffed after the incident. He left that up to his superior officer [REDACTED]

Investigator [REDACTED] testified that when she showed the video of the incident (J-Exhibit 2) to the Respondent, the Respondent identified himself, Lt [REDACTED] and CCDOC Officers [REDACTED] and [REDACTED] in the video.

Investigator [REDACTED] said that she did not see detainee [REDACTED] charging Lt [REDACTED] with closed fists at any point. She did observe Lt [REDACTED] in a kicking posture and with his foot on the neck of detainee [REDACTED] after detainee [REDACTED] was taken to the ground. She testified that the events she observed on the video were not accurately reflected in the incident report prepared by the Respondent (J-Exhibit 3). She found through her investigation that the Respondent violated general orders, Sheriff's orders and Merit Board Rules by making a false document.

She testified that she further found through her investigation and her basis for the finding was that Lt [REDACTED] violated Sheriff's orders or general orders in that "...he used unnecessary force and then filed a – filed false documentation and then was less than truthful in his interview."

On cross-examination Investigator [REDACTED] testified that she believed that she asked the Respondent if he was directed to complete an incident report by Lt [REDACTED]. She did not ask the Respondent if any portion of his narrative (in the incident report) had been relayed to him by Lt [REDACTED]. She could not recall any answers to questions she asked of the Respondent that were not included in the statement she prepared for the Respondent (J-Exhibit 4). She said the delay in conducting the investigation was that the matter had been referred to the States Attorney in 2011 and was there until 2014 when the matter was sent over to OPR. She testified that no criminal charges were pursued against the Respondent.

After a brief redirect in which she testified that findings were made by her against Lt [REDACTED] the Respondent and Officer [REDACTED] Investigator [REDACTED] testified on re-cross examination that the findings made against Officer [REDACTED] were for falsifying reports and untruthfulness.

The Sheriff rested and the Respondent was called to testify by his counsel. He testified that he had been assigned in Division 11, CCDOC, for his entire 17-year career. He testified that it was a medium security level. He testified that he did not see Lt [REDACTED] strike detainee [REDACTED] on October 31, 2011. He did hear detainee [REDACTED] say to Lt [REDACTED] "fuck you, bitch, I'm going to kick your ass." He also witnessed Lt [REDACTED] "take down" inmate [REDACTED] – he said he was four feet from the detainee and Lt [REDACTED]. The Respondent did not observe Lt [REDACTED] kick

or stomp detainee [REDACTED]. He did not assist in the takedown nor did he put his hands on the detainee. He was ordered to complete an incident report of the event by Lt [REDACTED].

The Respondent said the first he knew there was an issue with his report was when he was interviewed at OPR by Investigator [REDACTED] alleging that he falsified his incident report (J-Exhibit 3). He said that Investigator [REDACTED] asked him if his report was an accurate reflection of what occurred on October 31, 2011, and he told her it was. This was his first time being interviewed by OPR and he had never been given a written reprimand, suspension time or had otherwise been disciplined by the Sheriff's office before the interview at OPR. He had never been accused of using excessive force against an inmate. He said that he was embarrassed to be accused of committing any wrongdoing. He testified that he was stressed out by the demeanor of Investigator [REDACTED] because she was aggressive in the questioning of him by telling him that he had falsified his report as it did not match the events as depicted on the video tape. She questioned him about the strike to the detainee and the stomping and kicking of the detainee by Lt [REDACTED] as shown on the videotape. The Respondent said that he saw no such actions at the time nor could he see it on the video tape after being shown it by Investigator [REDACTED]. He said that he had never witnessed an excessive use of force incident in his career and had prepared over 50 incident reports in the past. He had been trained in the preparation of incident reports and always completed them properly. He was knowledgeable about the General Orders and Sheriff's orders regarding the completion of reports and forms and complied with them.

On cross-examination he was shown the video tape of the incident in which Lt [REDACTED] struck detainee [REDACTED] and the Respondent said he did not see the strike; although, he was present. He did observe Lt [REDACTED] "take down" detainee [REDACTED]. He said that Lt [REDACTED] told him to prepare the incident report and he said "Lieutenant, I only witnessed the takedown." He testified that Lt [REDACTED] said to him, "Well, I'm letting you know he also did this, he charged on me with closed fists, and he was verbally abusive, calling me, fuck you, bitch, I'm going to kick your ass."

Continuing on cross-examination, the Respondent was asked, "after viewing the videotape, you would agree with me that detainee [REDACTED] never charged at Lt [REDACTED] with closed fists, correct?" The Respondent said, "Not that I saw personally." The Respondent admitted that he did not inform OPR what he wrote in his incident report was in part what was told to him by Lt [REDACTED] as opposed to his own observations. The Respondent admitted that he did not list on his incident report the other officers that were there in the cell with Lt [REDACTED] and him when the confrontation with detainee [REDACTED] took place. He claimed that he did not help Lt [REDACTED] with the detainee and when asked what his purpose in being in the cell was - the Respondent replied, "the altercation was with Lt [REDACTED] he takes over the scene...I mean, Lieutenant [REDACTED] look how big he is. How am I going to get around Lieutenant [REDACTED] to even assist him? He took control of the situation."

The Respondent was directed to the statement that he provided OPR (J-Exhibit 4) and at the bottom of the fourth page, paragraph four, the statement said, "Co Salas (the Respondent) said his report is a true and accurate statement of what he saw." He was asked if that was correct. The Respondent testified, "Correct." He was asked if that was what he told Investigator [REDACTED] the Respondent testified, "Correct."

Continuing on cross-examination he was asked, "But what you are testifying to today is that it's not an accurate statement of what you saw; that the majority of the report is information that was given to you by somebody else, right?" The Respondent replied, "Correct, which I was never asked in OPR." The Respondent admitted that he was provided with an opportunity to

make corrections to his statement to OPR (J-Exhibit 4), had the opportunity to amend the narrative, and signed it verifying the information contained within it was accurate and complete.

On re-direct the Respondent testified he was not asked by Investigator [REDACTED] to distinguish the statements that were reported to him versus what he personally observed in Joint Exhibit 3. When asked what his state of mind was when he reviewing his statement the Respondent replied that he was disgusted that he was going through the investigative process and was stressed out.

[REDACTED] [REDACTED] Corrections Officer, CCDOC, was called by the Respondent. He testified that he had been with the CCDOC for over 13 years with the last 12 years in Division 11. He was working on October 31, 2011, but had no recollection of the events regarding Lt [REDACTED] and a detainee on the date. He could not recall completing any paperwork, he could not recall responding to an incident with Officers [REDACTED] [REDACTED] [REDACTED] and the Respondent. He could not recall being interviewed by command staff regarding the incident. He did recall being interviewed by OPR in 2014 but could not recall by whom. He testified that he told OPR he could not recall anything that happened on October 31, 2011. He did testify that he and the Respondent were friends outside of work. He was not cross-examined.

[REDACTED] [REDACTED] Corrections Officer, CCDOC, was called by the Respondent. He testified that he had been with CCDOC for nine years and was assigned to Division 11. He testified that he was working on October 31, 2011, and recalled responding to an incident involving Lt [REDACTED] and inmate [REDACTED]. He said that he was not required to complete any paperwork regarding the incident. He was shown a video of the incident by OPR when he was interviewed by the investigator on February 24, 2014. He said that he had no independent recollection of what occurred on October 31, 2011, other than some cursing and yelling. After a brief cross-examination by the Sheriff, the Respondent rested.

Decision

The Board finds by a preponderance of the evidence through the testimony of the witnesses; the video tape recording of the October 31, 2011, incident (J-Exhibit 2); and the supporting evidence that the Respondent was less than credible in his testimony. The video shows that inmate [REDACTED] was punched and then later kicked by Lt [REDACTED]. The Respondent was in the cell with the inmate and Lt [REDACTED] and was within four feet of the incident. The evidence shows that even if the Respondent did not see the initial strike by Lt [REDACTED] with his fist it is unreasonable to believe that he did not see Lt [REDACTED] kicking and otherwise using force on inmate [REDACTED]. Finally, he admitted that the information he recorded in his incident report (J-Exhibit 3) was information provided to him by Lt [REDACTED] and not his own observations. This information is inconsistent with what actually occurred and his incident report was false. His statement to OPR stayed consistent with his false incident report which caused him to provide false and misleading information to OPR. He had the opportunity with OPR to correct the record through his statement (J-Exhibit 4) regarding what actually occurred on October 31, 2011, and he chose not to do so in violation of Sheriffs and General Orders.

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 Roy Salas, Star Number 4096, CCDOC, did violate Sheriffs Order 11.2.2.0, Sections II and V, A1; Sheriffs Order 11.2.1.0, Section II, Section V, E, VIII, C, D1-2, and Section XIII, A-C; General Order 24.9.1.0, Sections II and VII, A1-2, B2-3 and 6, C and F-2; General Order 3-8, Sections I and III, A4; General Order 4-1, Section III, A17-18; Sheriffs Order 11.2.20.0, Section II, D25 and H4; and Article X, Paragraph B, 1-3, of the Rules of the Cook County Sheriff's Merit Board.

Wherefore, based on the foregoing, it is hereby ordered that the Respondent Roy Salas be suspended from duty for a period of 45 days effective July 8, 2014.

Roy Salas #1771
Correctional Officer
Star # 4096



James P. Nally, Chairman



Byron Brazier, Vice Chairman



Brian J Riordan, Board Member



John J. Dalicandro, Secretary



Jennifer E. Bae, Board Member



Kim R. Widup, Board Member



Patrick Brady, Board Member



Vincent T. Winters, Board Member

Dated: October 15, 2015