

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County

vs.

**José L. Vargas, Jr.
Correctional Officer**

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Docket No. 1806

DECISION

This matter coming on to be heard pursuant to the Order of Remand entered July 23, 2019 from the Circuit Court of Cook County in case 16 CH 14581, instructing the "Merit Board to determine whether, after excluding Vargas conduct in kneeling on [REDACTED] back the second time, Vargas should have been terminated as a sanction for using excessive force." The Cook County Sheriff's Merit Board adopts by reference the original October 26, 2016 decision of the Merit Board. The following additional findings are made by the Cook County Sheriff's Merit Board:

The Cook County Sheriff's Merit Board issued its original decision this matter on October 26, 2016 terminating the employment of Correctional Officer José L. Vargas, Jr., and setting forth in detail the rules and regulations violations that were charged and proven from the complaint, as well as a detailed exposition of the evidence through witness testimony, video and documents admitted into evidence.

As instructed by the Circuit Court, even excluding Vargas conduct in kneeling on [REDACTED] back the second time, sufficient evidence exists in the record to justify the termination of this officer for the use of excessive force under the totality of the circumstances on inmate [REDACTED].

As his conduct in the video shows, at the time Vargas entered the area where [REDACTED] was located, four other officers were already on the premises with [REDACTED]. Vargas approaches and flips [REDACTED] over and begins punching him with his fist in the back. Vargas then shifts to hold [REDACTED] legs down by kneeling on them while continuing to punch [REDACTED]. Shortly thereafter, another officer pulls Vargas off of [REDACTED]. The conduct when viewed on the video beginning at time stamp 12:10:51 supports a finding that Vargas engaged in the use of excessive force by flipping him over and administering 7-8 punches. Another officer then is required to pull Vargas off of [REDACTED]. This is at the same time while a sufficient number of other officers were on hand to restrain [REDACTED] without the necessity of the totality of multiple punches being applied.

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Order

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given to the evidence in the record, the Board finds, by a preponderance of the evidence, that Respondent Vargas engaged in the use of excessive force on inmate [REDACTED] as set out in the record, and that his employment should be terminated effective March 13, 2015.

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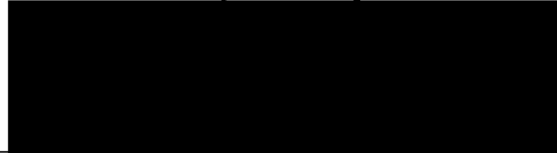
James P. Nally, Chairman



Kim R. Widup, Board Member



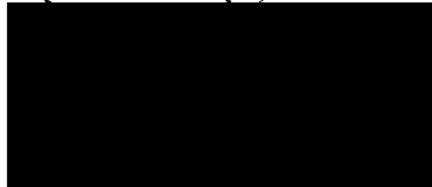
Byron Brazier, Vice-Chairman



Juan L. Baltieres, Board Member



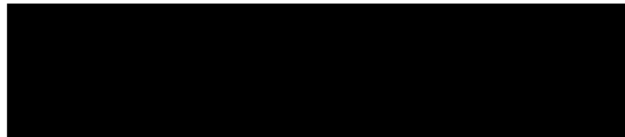
John J. Dalicandro, Secretary



Kimberly Pate Godden, Board Member



Vincent T. Winters, Board Member



Monica M. Torres-Linares, Board Member

Date September 27, 2019