



**Docket No. 1893**  
**Correctional Officer**  
**Brendan P. Kelly**  
**Star # 157978**

or not Merit Board Members were properly appointed during a given term, the Merit Board, as a quasi-judicial body and statutorily created legal entity, maintained at all times a clerical staff not unlike the Clerk of the Circuit Court ("Administrative Staff"). These Administrative Staff members receive and date stamp complaints, open a case file, assign a case number, and perform all of the functions typically handled by the circuit clerk's office. Just as a timely filed complaint would be accepted by the circuit clerk even if there were no properly appointed judges sitting on that particular day, so too was the instant Complaint with the Administrative Staff of the Merit Board. Accordingly, the Complaint filed on April 6, 2016 commenced the instant action, was properly filed, and will be accepted as the controlling document for calculating time in this case.

### **Findings of Fact**

The Sheriff filed a complaint on April 6, 2016 and an amended complaint on January 23, 2018. The Sheriff is requesting termination.

On May 31, 2005, Respondent was appointed a Correctional Officer. On November 24, 2015, Respondent was working as an External Operations Correctional Officer of the Cook County Department of Corrections ("CCDOC") (Tr. 206). On November 25, 2015, Respondent was relieved of his law enforcement powers ("de-deputized") by the Cook County Sheriff's Office of Professional Review ("OPR") due to an incident at his residence located at [REDACTED].

OPR Investigator [REDACTED] was assigned to investigate this case. (Tr. 158). [REDACTED] testified that he reviewed all of the police reports, spoke to the Lemont Police Department, and interviewed the Respondent (Tr. 159, 160, 161, 163). [REDACTED] findings were that the Respondent violated General Orders Conduct Policy 11.2.20.1 based upon the criminal charges of domestic abuse, assault on a peace officer and resisting arrest (Tr. 177, 178). [REDACTED] went on to testify that Respondent Kelly stated that he did not recall any of the incident and that Respondent only identified [REDACTED] in December of 2013 (Tr. 170, 171).

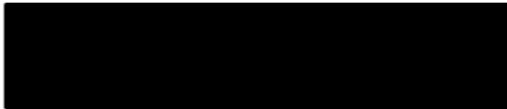
Lemont police officer [REDACTED] was the first to respond to the Respondents home on November 25, 2015. He testified that he was called to the location to assist an ambulance call regarding a subject [REDACTED]. (Tr. 24). He went on to testify that when he arrived, he heard screams of help me, so he immediately ran upstairs and saw the Respondent with his hands around his wife's neck. (Tr. 27). [REDACTED] testified that the Respondent refused to comply with any instructions and so he began to strike him. (Tr. 29). [REDACTED] went on to testify that the Respondent struck him at least six times. (Tr. 31). [REDACTED], wife of the Respondent, testified that Officer [REDACTED] came into the house screaming commands at her husband but that he could not recognize or comply with any commands and that her husband was just grunting, groaning and thrashing. (Tr. 290). She went onto to testify that she repeatedly told Officer [REDACTED] to stop hitting her husband [REDACTED] (Tr. 291). [REDACTED] testified that the only noise that the Respondent made throughout the incident was grunting loudly; he did not say anything (Tr. 25, 43). The second officer on the scene, Officer [REDACTED] also testified that the Respondent only made grunting noises and that he didn't recall any other sounds that he made. (Tr. 102). Brendan Kelly testified that he did not remember anything after falling asleep on the night of the occurrence until he was



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Wherefore, based on the foregoing, it is hereby ordered that Respondent Brendan P. Kelly be reinstated to the Cook County Sheriff's Office effective April 6, 2016.

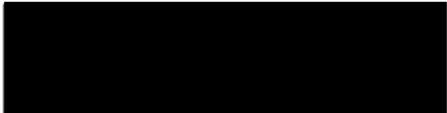
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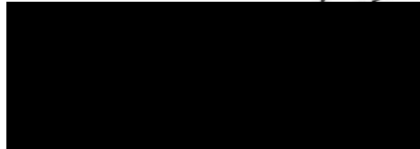
James P. Nally, Chairman



Byron Brazier, Vice-Chairman



John D'Amico, Secretary



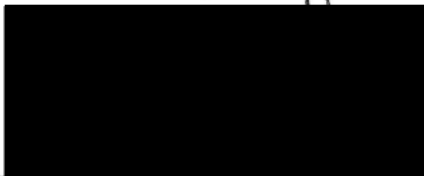
Kim R. Widup, Board Member



Vincent T. Winters, Board Member



Juan L. Baltierres, Board Member



Patrick Brady, Board Member



Gray Mateo - Harris, Board Member

Date December 14, 2018