

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
)
 vs.) Docket #1743
)
 RICKY A. BJORKLUND,)
 DEPUTY SHERIFF,)
 Employee # [REDACTED])
 Star #10700.)

DECISION

THIS MATTER COMING ON to be heard pursuant to notice before Jennifer E. Bae, a Board Member, and the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction:

1. Ricky A. Bjorklund (hereinafter "Respondent") holds a position as a Deputy Sheriff 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 documents.

Background:

By complaint dated December 3, 2013, Sheriff Thomas J. Dart, sought the termination of the Respondent. The complaint alleges that Respondent, while on duty, had inappropriate contact with Ms. [REDACTED] at the Skokie Courthouse located at 5600 Old Orchard Road, Skokie, Illinois, in violation of the Rules and Regulations and General Orders of the Cook County Court Services Department specifically:

SHERIFF'S ORDER 11.2.20.0

RULES OF CONDUCT, in its entirety, including but not limited to the following subparts:

II. POLICY

VI. RULES AND REGULATIONS FOR ALL SWORN AND CIVILIAN CCSO EMPLOYEES

B. Conduct on and off duty.

CCSO employees shall:

1. Maintain a professional demeanor while on duty and will not engage in off-duty behavior that would reflect negatively on the CCSO.
2. Conduct themselves on and off-duty in such a manner to reflect favorably on the CCSO. Employees, whether on or off-duty, will not engage in conduct which discredits the integrity of the CCSO, its employees, the employee himself/herself, or which impairs the operations of the CCSO. Such actions shall constitute conduct unbecoming of an officer or employee of the CCSO.
3. –
4. Maintain a level of conduct in their personal and business affairs that is in keeping with the highest standards of the law enforcement profession. Employees will not participate in any incident that:
 - a. Involves moral turpitude or impair their ability to perform as law enforcement officers; or
 - b. Causes the CCSO to be brought into disrepute.
5. –
6. Respect and be courteous to others and the public. Employees will be tactful in the performance of their duties, will control their tempers and exercise the utmost patience and discretion and will not engage in argumentative discussions even in the face of extreme provocation.
7. –
8. –
9. Not use threats and coercion, or abusive, coarse, violent, profane, harassing, or insolent language or gestures.

10. –

11. –

12. Not engage in any conduct that constitutes discrimination or harassment as defined in CCSO directives regarding discrimination, harassment, sexual harassment, and hostile work environment.

D. Prohibited associations, establishments, and activities.

CCSO employees shall not:

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.

I. Cooperation within the CCSO and with other agencies.

CCSO employees shall:

1. Truthfully answer all questions, provide proper materials, and provide truthful and relevant statements when the employee is involved in an investigation, either as the subject or not, as long as the employee's rights are preserved.

GENERAL ORDER 3406

CODE OF ETHICS, in its entirety, including but not limited to, the following subparts:

III. POLICY

It is the policy of the C.S.D. to provide sworn members with a Code of Ethics to assist them in making the proper decisions and judgments with respect to ethical situations throughout their career.

V. PROCEDURES

Failure to abide by the conditions and standards as set forth in this Code of Ethics will be considered violation of the Rules of Conduct and may result in disciplinary action as provided in the Rules and Regulations of the Cook County Sheriff's Merit Board or the Collective Bargaining Agreement.

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 Officers 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;
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.

Issues Presented:

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

Evidence Presented:

A hearing was conducted on May 5 and June 23 of 2014 at the Cook County Administration Building, 69 W. Washington Street, Room 1100, Chicago, Illinois. Present were Assistant State's Attorney [REDACTED] and Assistant General Counsel [REDACTED] [REDACTED] on behalf of the Sheriff of Cook County and Attorney [REDACTED] on behalf of the Respondent.

Sheriff's Exhibit 1 [REDACTED] traffic tickets and receipt for payment – moved into evidence
Sheriff's Exhibit 2 Respondent's statement to OPR – moved into evidence

Respondent's Exhibit 1 [REDACTED]'s Complaint Register – moved into evidence
Respondent's Exhibit 2 OPR Investigation Report by [REDACTED] – moved into evidence
Respondent's Exhibit 3 June 24, 2013 Daily Assignment Log – moved into evidence

Sheriff presented the following witnesses:

[REDACTED]

On direct-examination, [REDACTED] testified that she lived in Addison and worked as a claims specialist, payroll, and at a nightclub. She is currently in school as a pre-med student. She lived in Texas prior to moving to Illinois.

On June 24, 2013, [REDACTED] arrived at the Skokie Courthouse around 9:00 or 9:05 am by car to show a proof of insurance and pay a speeding ticket that she had received from a park district when she was traveling 35 miles in a 15 MPH. She stated that she was in hurry since she had arrived at the courthouse few minutes late. [REDACTED] went through the security that took about 10

minutes and proceeded to courtroom 103. As soon as she walked into 103, [REDACTED]'s case was called. She was told to proceed to a room by her left to pay a fine. [REDACTED] stated that she walked into the room with a glass door and a lady behind a desk. She had money in her hand and saw an officer standing behind a door. She identified the Respondent as the officer standing by the door. After paying her fine, [REDACTED] proceed to walk toward a glass door where she saw the Respondent standing in front of a little side room with both of his arms out straight forward. [REDACTED] believed that Respondent was trying to pat her down or frisk her so she said to him that she had nothing on her. [REDACTED] stated that Respondent said, "Well, come here." She stated that Respondent put his arms on her and started "cajoling" her into a room. [REDACTED] testified that Respondent said that he had seen her or that it was good to see her again. She stated that she told the Respondent that she did not know him and pushed him away. [REDACTED] stated that Respondent then said, "No, just come in here with me, just come in here with me real quick, come in here with me." [REDACTED] stated that Respondent put his hand under her jean jacket and pulled on her shirt and bra strap. [REDACTED] stated that she had a leather pencil skirt, a tank top and a jean jacket. She said that Respondent had pulled her toward him into a room but not forcibly enough to alarm her but enough to show her where he wanted her to go. She stated that Respondent was not able to pull her into a room but by the door way. [REDACTED] stated that Respondent never ran his hands up and down her sides. The whole incident took less than a minute and made her uncomfortable and weird. She then pushed him away and ran out.

[REDACTED] walked up to a female officer and inform her of what had just happened. She did not remember what the female officer looked like because she was in a state of shock. [REDACTED] stated that the female officer and she started walking toward the courtroom 103 so that she could point out the officer. Respondent started walking toward them and [REDACTED] pointed him out to the female officer. At the beginning, Respondent acted like he did not know what was going on but pulled [REDACTED] toward him and said, "I'm sorry, I thought I knew you." [REDACTED] stated that she freaked out because she did not want to be in such a close contact with Respondent and ran out of the courthouse. She then called her boyfriend and smoked a cigarette. She started to cry and a lady approached her. [REDACTED] told her what had happened and the lady walked back into the courthouse with her. [REDACTED] talked to an officer who she saw earlier and informed him what had happened. She later had an interview in the Sheriff's Office with two Internal Affairs officers, one was Officer [REDACTED] (here in as "[REDACTED]"). While speaking with the officers, [REDACTED] saw the Respondent again through a window. [REDACTED] stated that the two officers waited with her until Respondent left. The two officers gave [REDACTED] a form to fill out regarding the incident. [REDACTED] picked up the form from [REDACTED] on a later date. Other than talking to the two officers, [REDACTED] did not give any other interviews. [REDACTED] stated that she did not know Respondent prior to June 24, 2013 and she had no intention to sue the CCSO for this incident.

Sheriff's Exhibit 1 consist of three-page document with first being a receipt from the speeding ticket, the second being the speeding ticket from the Cook County Forest Preserve Police Department, and the third being failure to have insurance.

After this incident, [REDACTED] was freaked out, scared to be alone, and had difficulty trusting uniformed officers. [REDACTED] stated that growing up in Brazil, she never encountered anything like this. Her goal in filing this complaint was to make sure that it does not happen to another person. She stated that OPR informed her that it was difficult to prove what had actually happened since there was no camera. She stated that she had never filed a complaint against someone for inappropriate touching or called law enforcement for any sexual harassment of any kind.

On cross-examination, [REDACTED] testified that it was after 9:15 a.m. when she left the courthouse but still in the parking lot. She did not remember the exact time but that she could find out what time she had called her boyfriend if she was allowed to check her phone record. She was in the parking lot about 10 minutes during the time she talked to her boyfriend, smoked, and talked to a lady. The lady [REDACTED] encounter was nice and talked to her while she was crying but she did not know if this lady was a judge. [REDACTED] stated that she had walked back into the building through the same entrance that she had come through earlier. When she came back in, she did not go through the security check; she talked to an officer who took her to a cafeteria where she phoned her brother-in-law who worked for the DA's office in California. [REDACTED] stated that she waited in the cafeteria for about an hour for the investigators to arrive. There was an officer who stayed with [REDACTED] in the cafeteria and she told this officer about the incident.

[REDACTED] stated that Respondent did not run his hands up her sides. She testified that as she was walking toward the Respondent, he pulled her, she then pushed him away, and he then used force on her waist to pull her toward him. [REDACTED] stated that during this time, Respondent said that he knew her at which time she replied that she did not. The Respondent then said, "Come here with me, come in here with me, just step in here with me for a minute." [REDACTED] did not remember how many times Respondent said come here. [REDACTED] stated that she had been in the courthouse once before on a wrong court date.

[REDACTED] testified that the female officer she approached was a few courtrooms down in the main hallway near the entrance to the courthouse. [REDACTED] informed the female officer that an officer had been inappropriate with her and tried to pull her into a room with him. [REDACTED] said that she did not tell the female officer in detail what had happened because she was freaked out and was about to have a panic attack. She did not recall if her voice was raised but she did remember shaking and crying. She described the conversation with the female officer as being very quick. The female officer said, "Point him out to me. Who was it?" as they were walking back to the courtroom 103. Two-thirds of the way, Respondent saw [REDACTED] and the female officer and walked toward them. By this time, a white shirt officer walked up to them and was talking to the female officer. The white shirt officer did not talk to [REDACTED] at this time. [REDACTED] said that Respondent initially acted like he did not know who she was, he put his hand out to shake it but she did not want to touch him. While the white shirt officer was talking to the female officer, Respondent came up to [REDACTED] and said he thought he knew her. At this time, [REDACTED] said, "I don't know what's going on, but this is just wrong." She then became hysterical (heart pounding, difficulty breathing, and crying) and ran out of the building. [REDACTED] said that she was scared and did not want to go to the garage because she thought that Respondent might be there. [REDACTED] stated that the female officer was telling the officer with a white shirt what had happened when the Respondent made the statement about knowing her in a low voice.

Respondent's Exhibit 1 is a copy of the complaint that [REDACTED] had filled out. She stated that statements in the narrative section were truthful but not as detail as it should have been. Respondent's Exhibit 2 was a copy of the report made by [REDACTED] after taking [REDACTED]'s statement. [REDACTED] said that the Exhibit 2 was accurate as to the statement she had made to [REDACTED]. The description [REDACTED] gave to [REDACTED] of the offender was a white male, bald, 6'3", 250 pounds, wearing glasses in his 30's. She did not remember if there were any other officers that were bald wearing glasses. She did remember that the offender had on a blue Cook County Sheriff's uniform. She did not remember if the offender had a radio on him, or a weapon but he did have a belt and a badge on his chest. The room where the offender was standing had dim light with a glass door. In 103, [REDACTED] observed few people sitting in the courtroom, a lady with all the tickets,

a judge, a person standing next to the judge and about 4 officers in the jury box. [REDACTED] said that she did not believe any of the officers in the jury box were bald. [REDACTED] stated that she was not shown any photograph of the Respondent while being interviewed by [REDACTED] or any other Cook County Sheriff officers. [REDACTED] stated that she had pointed out Respondent to the female officer and [REDACTED]. [REDACTED] stated that no one from CCSO searched her person for fingerprints.

On re-direct examination, [REDACTED] stated that she did not sign Respondent's Exhibit 2 and that she had not had the chance to review this document until today. Respondent's Exhibit 1 is the complaint that [REDACTED] had filled out in her own handwriting. The document stated that "...and proceeded to run his hands up my sides and under my jacket." [REDACTED] stated that what she meant was that the Respondent did not rub her up and down but that he went up her back and pulled on her bra strap. [REDACTED] acknowledged that the Exhibit 1 was a summary of the incident and did not include every single detail. [REDACTED] said that she would like to clarify her statement where she wrote "...put his hands on me again..." What she meant was that Respondent repositioned his hands on her with more force when she pushed him away. [REDACTED] stated that she had short of breath, her heart was beating rapidly, and holding herself back from having a full blown panic attack during the time she spoke to the female officer and OPR investigators. She stated that she had a couple of panic attacks previously when she had a car accident. She was flustered.

RICKY BJORKLUND:

On direct-examination as an adverse witness, Respondent testified that he had been with CCSO for 17 years working at the Skokie courthouse and that on June 24, 2013, he worked the 8 to 4 shift assigned to courtroom 108. At approximately 9 am, Respondent was assisting at the west entrance prior to his assignment that started at 10:30 am. Respondent explained that at 8 am, there was a roll call that took 20 to 30 minutes and then he proceeded to his assignment. Since courtroom 108 started late, Respondent went to help with the west entrance. Respondent said that he passed courtroom 103 several times between 8 to 9 am when he was helping out at the west entrance, going to the bathroom, and checking each courtroom for security. Respondent stated that he did not see [REDACTED] when he looked into courtroom 103 but that he remember seeing her coming into the building when OPR showed him [REDACTED]'s photo. Respondent stated that he did not have any interaction with [REDACTED] when she came into the building. He stated that he did not follow [REDACTED] to courtroom 103. After using bathroom, as he was walking back to the west entrance, Respondent looked into all 6 courtrooms including courtroom 103 for security. Respondent explained that all deputy sheriffs were required to look into all courtrooms when passing because they were required to pay attention to all surroundings. Respondent believed that he did make it back to the west entrance and stayed there for approximately 30 minutes. Respondent denied being in the clerk's financial office next to courtroom 103, denied standing in the hallway gesturing [REDACTED] to come over, denied putting his hands out as if he was frisking [REDACTED], denied running his hands up [REDACTED]'s sides, denied reaching around [REDACTED]'s back under the jacket pulling her bra strap, and denied pulling [REDACTED] or trying to convince [REDACTED] to come into a room with him. Respondent stated that he saw [REDACTED] pointing at him when he was heading back to the west entrance while Deputy [REDACTED] (herein as "[REDACTED]") was calling Sergeant [REDACTED] (herein as "[REDACTED]") via radio. After that, Respondent saw [REDACTED] come out of courtroom 106 heading toward the west door just as he was walking toward the same. Once near the west door, [REDACTED] said to Respondent, "Why did you do that?" and he replied, "Excuse me, do I know you?" Respondent said that [REDACTED] walked out of the west door soon after muttering something.

He denied saying, "I'm sorry, I thought I knew you." Respondent stated that he did not make any statement to [REDACTED] or [REDACTED]. Respondent stated that all three stood there and looked at each other. [REDACTED] told [REDACTED] that he needed paper on this and she replied that she would. Respondent said that he was at the west entrance for approximately 30 to 40 minutes after [REDACTED] left. He walked outside by an elevator (approximately 40 feet from the courthouse) for a cigarette break prior to 10:30 am. He did not remember how long he was standing by the elevator but he only smoked 1 cigarette. He believed that he had notified [REDACTED] that he was taking a smoke break. [REDACTED], a male, was the other deputy working at the west entrance. Respondent did not remember if he told [REDACTED] regarding his smoke break but he imagined he did. After his smoke break, Respondent went to perform his duties in courtroom 108 until the courtroom went down or reassignment. Respondent said he took a lunch break but did not remember the exact time. He stated that he finished his work that day and no one asked him to make a statement or asked to fill out any paperwork regarding the incident. He stated that he did not know that he was accused of an incident until OPR called him. Respondent said he did not know what the accusation was when [REDACTED] pointed at him nor did he ask anyone any questions regarding the incident. Respondent said he had not seen [REDACTED] prior to or after June 24, 2013.

Sheriff's Exhibit 2 was a copy of the statement made by the Respondent to OPR which was signed by him dated August 12, 2013 when he was interviewed by [REDACTED] and [REDACTED] along with chief union steward [REDACTED]. Respondent said when he told OPR that he was not looking into courtroom 103; he meant that he was not looking for [REDACTED]. Respondent said when he told OPR that he was not by the elevator for a smoke break, he did not remember at the time of the interview.

On cross-examination, Respondent said right after the interview with OPR, he remembered that he was out by the elevator smoking and informed the union steward the same. OPR did not call Respondent back for a second interview. Respondent said on June 24, 2013, after a roll call, he went to courtroom 108 to put his coffee mug and left to help out. Normally, prior to any court calls, deputies assigned to traffic rooms were instructed to help out at the north entrance, deputies assigned to courtroom 105 (a bond court) needed to get inmates, deputies assigned to courtroom 106 (domestic violence) helped courtroom 105, and deputies assigned to courtrooms 107 and 108 helped with the west entrance. On the second floor, the civil rooms started right away and the other felony rooms helped out at the entrance or lockup. Respondent said approximately 7 to 8 years ago, there were 90 deputies assigned to Skokie Courthouse but today maybe 40 or 45. This was the reason why all deputies have to help other courtrooms and do safety checks. One year prior to June 24, 2013, Respondent responded to 50+ incidents for fights or disturbances. In June 2013, Respondent said there was 1 deputy in traffic courtrooms, 2 deputies in domestic, 2 deputies in bond court, and 2 to 3 deputies in criminal courtrooms. Respondent said he was 46 years old in June 2013 and 47 currently. He said he did not participate in a line up. Respondent's Exhibit 3 was the daily assignment sheet from June 24, 2013 for District 2, Skokie. It showed that Respondent and his partner, Deputy [REDACTED], were assigned to courtroom 108. Respondent said on June 24, 2013, Deputy [REDACTED] was assigned to courtroom 105, was bald, wore glasses, and was about 5'10 with a short hair weighing 170 pounds; Deputy [REDACTED] was assigned to courtroom 207, was 6 feet tall, over 200 pounds and occasionally wore glasses; Deputy [REDACTED] was assigned to courtroom 207, 5'10 to 6 feet tall, over 200 pounds and wore glasses; Deputy [REDACTED] was assigned to west door, was 5'10, over 200 pounds and wore glasses; Deputy [REDACTED] was assigned to outside security, bald, 6'2 t 6'3 tall, weighted 250 pounds or more, and wore glasses. Respondent further explained that Deputy

██████████ had shaved head at one time or another; Deputy ██████████ also had shaved head, assigned to courtroom 102, and weighted little under 200 pounds; Deputy ██████████ was assigned to lockup, had shaved head, 6'2 to 6'3 tall, weighted 240 to 260 pounds, but did not wear glasses. Deputy ██████████ was 5'10, bald or short hair, weighted about 180 pounds and wore glasses. There were occasions when deputies assigned to lockup would come up to the main floor of courtroom for various reasons.

Respondent said he saw ██████████ as he was walking back to the west entrance from the restroom but did not see her cry. He also did not hear if ██████████ said anything to him at that time because the courthouse was very loud and he had a hearing damage. There were approximately 40 to 50 public people in the hallway.

Respondent in redirect-examination said the height and weight he described of his fellow co-workers were estimates. He was 6'2 and had shaved head in June of 2013. Respondent said all the deputies he mentioned were all white and wore glasses except for ██████████ and ██████████. He said ██████████ was in his 40's, ██████████ was in his 30's, ██████████ was in his 30's, ██████████ was in his 30's, ██████████ was in his 40's, ██████████ was in his 40's, ██████████ was in his 30's, and ██████████ was in his 40's.

██████████ ██████████:

On direct-examination, ██████████ stated that her star # was 10734 and worked as a deputy sheriff at the District 2, Skokie. She had been working for the CCSO for 16 years. On June 24, 2013, she was assigned to the west door entrance on 8 to 4 shift. Her partner was ██████████ and she also worked with the Respondent. She identified Respondent as Deputy Sheriff Bjorklund. She explained that Respondent came to help at the west door prior to his assignment because they had a lot of traffic coming in. ██████████ said approximately 8 or 8:30 am, ██████████ came in and as she walked in, she rang, meaning ██████████ set off the metal detectors. Respondent was wandering at the time and ██████████ heard a conversation between ██████████ and Respondent. It was Hello, Good Morning, How you doing? Could you show me where the courtroom is. Approximately 9:20 or 9:25 am, ██████████ approached ██████████. She explained that Respondent had left the west door without telling her where he was going; she had assumed he was helping with a detainee bus. When ██████████ approached for the second time, she appeared upset and confused but not crying. ██████████ said ██████████ told her that while she was in the side room of courtroom 103, a male police officer came up and hugged her and fondled her. ██████████ started walking with ██████████ asking her to point out the officer. As they began walking, ██████████ pointed to Respondent and said, "There's the officer." At this point, ██████████ radioed for ██████████ as Respondent approached them. Respondent stated, "What?" as if he was confused. ██████████ heard ██████████ say, "You shouldn't have done that to me. That was wrong what you did." She next heard Respondent say, "What? I just thought I knew you. What did I do?" When ██████████ came up to them, ██████████ told ██████████ that she needed to tell him what had happened. ██████████ started choking on her words and said, "No no, I'm done" as she walked out of the west entrance. ██████████ did not see ██████████ crying. ██████████ told ██████████ that she needed to write up an incident report. As she was walking toward the office, ██████████ heard another call for ██████████ to report to the north entrance. She later saw ██████████ talking to ██████████. Later on the same day, ██████████ said Respondent approached her and said, "What...What happened? I thought I knew her. I honestly thought I knew her." ██████████ said she was interviewed, gave statement to two officers from

OPS, and wrote out a memo to Lieutenant Promisco regarding this incident. Since June 24, 2013, [REDACTED] had not had any additional conversation with Respondent.

On cross-examination, [REDACTED] said that when [REDACTED] approached her upset, she did not see Respondent in her field of vision. The first time she noticed Respondent was when [REDACTED] and [REDACTED] started walking toward the courtroom approximately 7 to 8 feet in the hallway. [REDACTED] did not observe Respondent in a courtroom or any of the prep-rooms/witness room. At 9:20 am, there were traffic calls, bond calls, and domestic calls in process but not the criminal calls. There were approximately 50 to 100 people in the hallway, 8 to 10 people lined up at the west entrance to come into the building, and more people on the second floor which was open. [REDACTED] described the level of noise as pretty loud.

[REDACTED] said she was less than 2 feet away when [REDACTED] and Respondent were conversing. She told [REDACTED] that she needed to tell [REDACTED] what had happened. [REDACTED] did not remember exact words used during the conversation between [REDACTED] and Respondent because of the level of noise and the fact that [REDACTED] was facing Respondent when speaking. She did hear [REDACTED] say, "You shouldn't have done that." [REDACTED] explained that [REDACTED] did not have her back to her but was right next to her. [REDACTED] stated that she told [REDACTED] that he needed to speak to [REDACTED] about an incident that had occurred. [REDACTED] acknowledged that she was talking to [REDACTED] while [REDACTED] and Respondent were having a conversation and that there were public around them as close as 5 feet. [REDACTED] stated that she was not exactly certain as to what was said between [REDACTED] and Respondent. [REDACTED] said she did not observe [REDACTED] crying, appear to faint or panicky, or shout anything. She advised [REDACTED] to tell [REDACTED] what had happened. [REDACTED] said it was strange when [REDACTED] turned around and ran out. [REDACTED] said she had worked in the courtrooms about 10 years and 6 years on the street.

[REDACTED] said deputy sheriffs working in the courthouse receive mistreatment complaints every day. She had received complaints herself from members of the public about once every six months. She had never had complaint about inappropriate touching. [REDACTED] did not see Respondent whisper something into [REDACTED]'s ear. [REDACTED] said Respondent was standing about 4 to 5 feet away from [REDACTED]. [REDACTED] acknowledged that it was possible that due to the level of noise, she may have mistaken what Respondent said to [REDACTED]. She said there were about 8 to 10 deputies that were bald in June 2013 and some had glasses. [REDACTED] said they have uniformed police officers every day in Skokie courthouse. [REDACTED] said she worked in traffic courtrooms for about 4 years and was assigned to one in 2013. There were 4 to 5 and if busy, up to 12 police officers in a traffic courtroom. These officers had access to the financial room and witness room. The officers were usually in blue uniforms unless they were Cook County Sheriff Police Officers who were in tan or brown.

[REDACTED] said she was interviewed by [REDACTED] and [REDACTED] at the same time. [REDACTED] said [REDACTED] told her that she was hugged and fondled by a police officer but she did not know or hear any additional details.

On re-direct examination, [REDACTED] testified that [REDACTED] did not seem confused when she identified Respondent as the offender. [REDACTED] said [REDACTED] appeared visibly upset. She explained that [REDACTED] had her hand over her mouth shaking and was unable to speak. [REDACTED] could not recall if Respondent told her that he wanted to go outside to smoke.

On recross-examination, [REDACTED] agreed that officers are permitted to take smoke breaks and need not seek approval. Officers usually take smoke breaks about 15 feet from the door. [REDACTED] stated that [REDACTED] looked upset and had difficulty speaking as she made identification of Respondent. [REDACTED] said she was formally trained on how to conduct a

lineup sometime in 2002. She said it was improper to have a lineup when an individual is visibly upset.

On redirect-examination, [REDACTED] said about 15 feet from the building outside the north entrance by the garage was a place for smoking.

[REDACTED]

On direct-examination, [REDACTED] (herein as [REDACTED]) testified that he had been with the CCSO for 26 years, currently assigned to District 2, Skokie. On June 24, 2013, he was assigned to courtroom 103 working 8 to 4 shift. Courtroom 103 started at 9. [REDACTED] observed Respondent hanging outside of the courtroom 103 about 10 minutes watching what was going on inside around 9:00 to 9:15 am when the last case was called. [REDACTED] said they had a short call that day with only 6 cases. [REDACTED] stated that [REDACTED] arrived a few minutes after 9 and was the last case called. [REDACTED] explained that there were 2 doors in the back, two double doors in the front and a side door for the financial room in courtroom 103. The two double doors in the front were wood frame with glass center used by [REDACTED] to enter courtroom 103. [REDACTED] further explained that you can see through these front doors. [REDACTED] stated that it was unusual for Respondent to be standing outside the glass doors looking in for 10 minutes. He had never seen other deputies do what Respondent was doing. [REDACTED] stated that he had look into courtrooms when passing by. He further stated that it was not common practice to stand at the door way for 10 minutes and observe. He observed [REDACTED] go through the side door to the financial room which was a solid wood with no window. After [REDACTED] left, [REDACTED] observe Respondent walk toward west but did not see where he had gone to. [REDACTED] said he was the only deputy assigned to courtroom 103 which was traffic. [REDACTED] said Respondent was observing what was going on in courtroom 103 but did not enter the courtroom.

On cross-examination, [REDACTED] testified that part of his duty was to make sure that the courtroom was secure, to observe various people inside the courtroom, to make sure no one got too close to the judge or courtroom staff, and to make sure no one presented physical threat to judge or courtroom staff. [REDACTED] explained that he was standing next to the judge as he observed Respondent the whole time. Since there were only 6 cases, [REDACTED] believed that there were only 9 to 10 people in the courtroom, no court reporter, a courtroom clerk, the judge, and 3 police officers in the jury box. It took 15 minutes to complete 6 cases. [REDACTED] had a radio but did not use it to radio Respondent to ascertain why he was standing outside the door. [REDACTED] did not report to his supervisor regarding Respondent standing outside the courtroom looking in for 10 minutes. [REDACTED] did not feel that Respondent was a threat to someone sitting in the audience nor observe Respondent to have an angry look. [REDACTED] stated that it was possible that Respondent walked away and came back and may not have been looking for 10 minutes. [REDACTED] had known Respondent for 8 to 10 years. [REDACTED] said Respondent had filed 1 complaint against him regarding a traffic matter. [REDACTED] did not know that Respondent had reported to a supervisor for [REDACTED] having alcohol smell on person at work. [REDACTED] said he never said to Respondent, "We got you real good this time. Enjoy your time downtown, fucker." [REDACTED] said he had never been interviewed by OPR regarding an inappropriate sexual behavior with another deputy sheriff and that it was first time he heard that Respondent reported to a supervisor about [REDACTED] having an affair with another deputy sheriff. He had never been interviewed by his chain of command for alleged drinking alcohol at work.

On redirect-examination, [REDACTED] said he had asked [REDACTED] what was going on when [REDACTED] was helping Respondent clean a locker while Respondent walked by. Respondent saw [REDACTED] turned his head to the right and kept walking. [REDACTED] did not say a word. [REDACTED] said he never filed a written complaint but did say to Lieutenant Promisco to do something about Deputy [REDACTED] and Respondent passing gas and laughing like a five-year-old. [REDACTED] said Respondent filed a complaint against him regarding a traffic incident but nothing was done about it. [REDACTED] said he did not do anything to Respondent after the complaint was filed and had not talked to him in 8 to 10 years. [REDACTED] said he was interviewed by OPR investigators for the June 24, 2013 incident.

On recross-examination, [REDACTED] said he had not talk to the Respondent in 8 to 10 years because he did not like his personality and his crude habits. [REDACTED] said he would avoid Respondent if he had to. [REDACTED] said he told OPR that he observed Respondent standing outside courtroom observing.

[REDACTED]:

On direct-examination, Judge [REDACTED] (herein as "Judge") stated that she was the presiding judge of the Second Municipal Skokie Courthouse and here to testify pursuant to a subpoena issued from the CCSO. On June 24, 2013, Judge's office was in Room 219 and occasionally she did the call for the courtroom 108 that started at 10 am. On June 24, 2013, Judge was running late because she was admiring her new car in the parking lot. Judge explained that she came in through the north entrance and saw Deputy [REDACTED] (herein as "[REDACTED]") who was assigned to courtroom 108 and started telling him about her new car. During this time which was around 9:15 am, a very attractive young lady was walking toward them crying, upset and agitated. Judge then said to the young lady, "Can I help you? What's the matter?" The young lady told her that a police officer touched her. She asked the young lady to describe the uniform and she learned that it was a deputy sheriff. As [REDACTED] left to get [REDACTED] the young lady said that after she had finished her case, a police officer stopped her and told her to come into a room. The young lady showed the Judge that she was patted down and touched inappropriately on her breasts. The young lady said that she needed to call her brother who was a U.S. Attorney in California. Judge told her that they were going to help her and that they would investigate it. The young lady said that she was scared to go to the parking lot and Judge informed her that she need not go to the parking lot and that she needed to talk to a supervisor/investigator. Judge stated that she waited with the young lady until [REDACTED] came back with [REDACTED] Judge was not sure if the young lady used the word "breasts" or just showed her what had happened. Judge did remember that the young lady was wearing a blazer or some type of jacket and a blouse as she was showing her what had happened. Judge said that the young lady was very agitated and upset and told her that she worked in a tavern.

After the young lady left with [REDACTED] Judge showed [REDACTED] her new car in the parking lot. As she was showing the vehicle, Judge noticed Respondent in the parking lot by the elevator. This seemed odd to her since the sheriffs are usually busy with calls around this time which was 9:20 or 9:25 am. Judge identified the Respondent as the sheriff standing by the elevator. Respondent stipulated to identification of the Respondent. Judge then ran into Deputy [REDACTED] and went outside to show him the new car. At that time, Judge noticed Respondent still out in the parking lot by the elevator. This event took about 10 minutes. Judge noted that it was unusual for a deputy sheriff to be out in the parking lot for this length of time because the courthouse was

busy between 9 to 10 am. The following day, Judge learned that it was Respondent that was involved in this incident. Judge checked with the CCSO to see if [REDACTED] was ok but saw that the doors were closed and figured that an investigation was going on. She did not want to be involved since one of her judges may hear this case if a criminal charge was approved. A couple of weeks later, Judge gave statements to the investigators from OPR.

On cross-examination, Judge said she had seen Respondent approximately 9:15 to 9:20 am by the elevator in the garage and it was definitely prior to 10 am. Judge knew that Respondent was assigned to her courtroom 108 and it started around 10 am so the door to the courtroom opened 15 minutes before the start. At the time Judge saw Respondent in the garage, she assumed that her courtroom was locked. Judge stated that usually, one deputy stayed in the courtroom and the other one went down to get prisoners prior to start of the call. Judge believed that the deputies usually take breaks during the day but she had never seen them take breaks during 9 to 10 am. Judge admitted that she did not know how often deputies took smoke breaks by the elevator between 9 and 9:30 am. Judge stated that the young lady did not provide any description of the offender to her. Judge stated that the young lady either told her or motioned to her that the individual touched the sides of her breasts. Judge did not remember if OPR asked her if [REDACTED] claimed that the individual ran his hands up her sides and touched her breasts. Judge did review a written summary of her statement prior to testifying. Judge said she had worked with Respondent in her courtroom but did not remember how long. She had never filed a complaint to Respondent's supervisor regarding his performance inside her courtroom. She agreed that Respondent adequately performed his duties while in her courtroom.

Respondent presented the following witnesses:

SERGEANT [REDACTED]

On direct-examination, Sergeant [REDACTED] (herein as ' [REDACTED] testified that he had been a sergeant with the CCSO since 2002 and prior to 2002, he worked as a deputy for five years. He had been assigned to Rolling Meadows Courthouse since March 2014 but prior to that, he was assigned to Skokie Courthouse for eight years. One June 24, 2013, he was assigned to Skokie and worked 8 to 4 shift. At that time, he was in charge of the lockup and had 6 to 8 deputies reporting to him. [REDACTED] would frequently work with Respondent and would see him daily. [REDACTED] believed that Respondent had been working at the Skokie Courthouse for about 5 years. [REDACTED] stated that even if Respondent was not assigned to lockup, he would see him at some point of the day. He never had any problems with Respondent, did not know Respondent to have attendance problem, did not know Respondent to be tardy, and did not write Respondent up for anything. [REDACTED] did not know for sure if anyone had written up Respondent for anything. [REDACTED] stated that he would not know if Respondent had ever been interviewed by OPR. Compared to other deputies at Skokie, [REDACTED] believed that Respondent fell above average capacity. [REDACTED] stated that deputies were not authorized to take smoke breaks but often do so and some take smoke breaks by the elevator in the parking lot. [REDACTED] did not take smoke breaks by the elevator in the parking lot but have seen other deputies do so. Deputies usually do not get in trouble for taking smoke breaks by the elevator in the parking lot. [REDACTED] had seen other deputies take smoke breaks before 10 am and he had done it himself.

[REDACTED] further testified that deputies should open courtroom 108 at quarter to 10 am. Prior to that, all deputies should be helping out at the doors, lockup, or in another courtroom if

needed. [REDACTED] stated that all deputies were required to look into courtrooms when passing by to see what type of crowd, to make sure a deputy was in the courtroom, and to help if there was any problem in the courtroom. [REDACTED] said a deputy should go into a courtroom to check and call a supervisor if he or she did not see another deputy while a court call was going on.

On cross-examination, [REDACTED] testified that a deputy did not need permission to take a smoke break. He stated that a deputy usually took a smoke break when he/she had free time. [REDACTED] explained that these smoke breaks should take at maximum 5 minutes. He stated that a deputy taking a smoke break between 9 to 10 am that lasted over 10 minutes was considered king of long.

[REDACTED]

On direct-examination, [REDACTED] (herein as "[REDACTED]") testified that he is currently a deputy sheriff assigned to Courtroom 209 in District 2, Skokie. He had been assigned to Skokie for 14 and ½ years and knew Respondent for the past 5 to 6 years. They had worked the same shift. [REDACTED] stated that Respondent did not have attendance problem, he did hear rumors that Respondent was tardy in winter time, did not have any disciplinary problem, did not know Respondent to be absent for long block of time, and did not know of any complaints by colleagues or public. [REDACTED] never heard that Respondent harassed, flirted, or have been inappropriate with female officers. His opinion was that Respondent had a very high ethics. [REDACTED] stated that deputies took smoke breaks and he usually took his once before work and the second during lunch. [REDACTED] had never been reprimanded for taking a smoke break. [REDACTED] stated that sergeants and command officers do not take smoke breaks anymore. The areas where deputies took smoke breaks were overhang by the prisoner dock, a picnic bench by the parking garage, and the elevator in the parking garage. [REDACTED] stated that once in a while when he saw a member of the Clerk's Office take a smoke break, he would stop and take a smoke break while conversing. [REDACTED] explained that the members of the Clerk's Office and deputies take smoke breaks by the elevator in the parking lot daily. [REDACTED] further explained that when he walked pass a courtroom, he would make sure that there was a deputy in the courtroom. He was not trained this way but he would do it on his own for safety. [REDACTED] stated that courtroom would open 15 minutes prior to the start of the call. Respondent's Exhibit 3 was a copy of a daily assignment log. [REDACTED] explained that courtroom 103 was a misdemeanor/traffic call and that on a busy day, they would have over 120 people and on a slow day, they would get 5 to 6 people. [REDACTED] did not know if there was a maximum occupancy set for courtroom 103. [REDACTED] described the courtroom 103 to have 5 pews in each sides split in half. A deputy assigned to 103 was not allowed to sit but be alert to what the public was doing and usually stood next to the jury box so that he/she was able to keep an eye on the judge, the clerk, and the public.

[REDACTED] stated that he knew [REDACTED] from working at Skokie and that [REDACTED] had been a personal friend of his wife. He had worked with [REDACTED] at the doors but had not talked to him in 10 years. [REDACTED] did not talk to [REDACTED] because his wife and [REDACTED] had a fall out. [REDACTED] stated that [REDACTED] did not like him and that he did not like [REDACTED] [REDACTED] would see [REDACTED] every day standing by the elevator in the garage smoking. [REDACTED] stated that he had seen [REDACTED] drink beer when [REDACTED] gave him a ride home which was about 10 to 11 years ago. [REDACTED] had consumed 2 cans of beer before pulling out of the garage. [REDACTED] had also taken 8 shots of Jack Daniel at [REDACTED] house approximately 9 to 10 years ago. [REDACTED] stated that he did not know of any complaints from female officers or public against Respondent.

On cross-examination, [REDACTED] testified that he was not Respondent's supervisor. He had been friends with [REDACTED] about 10 years ago and that he would go out of his way not to talk to [REDACTED]. [REDACTED] stated that he did not like [REDACTED]. [REDACTED] stated that he and Respondent were veterans and that Respondent had a high standard of work ethic. [REDACTED] did not evaluate Respondent's work performance.

Findings/Conclusions of Law:

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given to the evidence including all the exhibits that were admitted, the Board finds that Respondent did violate Sheriff's Order 11.2.20.0 II and VI, General Order 3406 III and V and the Cook County Sheriff's Department Merit Board Rules and Regulations Article X, Paragraph B.

The Board finds that Ms. [REDACTED] was credible and believable in her testimony and the actions that followed from the incident dated June 24, 2013. Ms. [REDACTED]'s testimony was consistent with her written complaint register and the outcry witnesses' testimony. The Board also finds that Respondent was not credible and not believable in his testimony.

The Board finds that Respondent had inappropriate contact with Ms. [REDACTED] on June 24, 2013 when Respondent ran his hand side of Ms. [REDACTED]'s waist, put his hands under her jean jacket and pulled on her shirt and bra straps while trying to pull her into an interview room by the financial room in courtroom 103. Ms. [REDACTED]'s version of the facts is believable because of her emotional outcry to Deputy [REDACTED] and Judge [REDACTED] which was consistent with the incident. Ms. [REDACTED] testified that when she and Deputy [REDACTED] walked toward the Respondent, [REDACTED] stated to Respondent, "Why did you do that?" and Respondent stated, "I'm sorry, I thought I knew you." When Respondent testified he said he never said "I'm sorry, I thought I knew you", in fact, Respondent testified that he said, "Excuse me, do I know you." Deputy [REDACTED] an unbiased witness, testified that she heard Respondent say, "What? I just thought I knew you. What did I do?" Deputy [REDACTED] also testified that later on the same day of this incident, Respondent approached her and said, "What... What happened? I thought I knew her. I honestly thought I knew her." The Board has difficulty believing the Respondent's version of the event because if nothing happened as he testified, there was no reason for Respondent to say to Deputy [REDACTED] that he thought he knew Ms. [REDACTED].

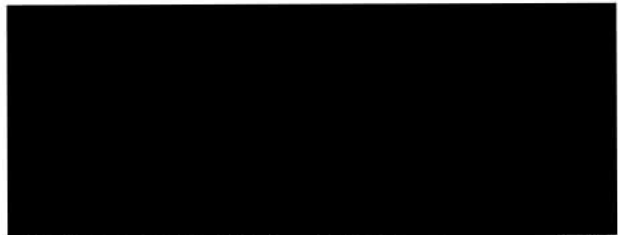
Additionally, the Board finds that the Respondent was not truthful regarding the facts of this incident when he was interviewed by OPR Investigators [REDACTED] and [REDACTED] on August 12, 2013.

Order:

Wherefore, based on the foregoing, it is hereby ordered that the Respondent Ricky Bjorklund be separated for the Cook County Sheriff's Office effective December 3, 2013.



JAMES P. NALLY, Chairman



KIM R. WIDUP, Board Member



BYRON BRAZIER, Vice-Chairman



JOHN R. ROSALES, Board Member



BRIAN RIORDAN, Board Member



VINCENT T. WINTERS, Board Member



JOHN S. DALICANDRO, Board Member



JENNIFER E. BAE, Board Member

Dated: January 12, 2015