

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
)
vs.)
) **Docket No. 2111**
CORRECTIONAL OFFICER)
(EM INVESTIGATOR))
BRIAN A. SHEDOR)
STAR #6120)

DECISION

This matter coming on to be heard pursuant to notice before Vincent T. Winters, Board Member, on May 10th, 11th, and the 23rd, the Merit Board conducted a hearing before Commissioner Vincent T. Winters. Both parties were represented by counsel and had a full and fair opportunity to present evidence. The Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

Brian A. Shedor, (Respondent) was appointed a Correctional Officer on April 17, 2006, and on March 9, 2014 he was promoted to Investigator in Electronic Monitoring Unit, of the Cook County Sheriff's Office ("CCSO"), located at 3026 S. California Avenue, Chicago, Illinois. On July 29, 2015, Respondent reported to the Honorable George N. Leighton Criminal Court Building ("CCB"), located at 2600 S. California Avenue, Chicago, Illinois, pursuant to Respondent's duties to comply with a subpoena from the Cook County State's Attorney. Respondent's position as a Correctional Officer involves duties and responsibilities to the public; 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; the Board has jurisdiction of the subject matter of the parties in accordance with 55 ILCS 5/3-7001, *et seq*; and Respondent was 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.

Background

The Sheriff (Petitioner) filed a Complaint on July 18, 2018, Petitioner seeking termination of Respondent. Petitioner alleged that Respondent falsified his Timekeeping/attendance form for July 29, 2015. Petitioner alleges that Respondent was paid overtime for the hours of 0800 hours until 1500 hours, though Respondent left CCB around 1100 hours.

After the case was continued from time to time, and discovery completed, it was called for a formal hearing on May 10th, continued to May 11th and concluded on May 23rd. At the hearing, court reporter being present, all witnesses sworn under oath, testimony was taken from

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witnesses called by the Sheriff as well as testimony from the Respondent and witnesses called on his behalf. Documents were introduced by Petitioner and Respondent and received into evidence.

Issues Presented:

The Respondent was charged with violations of the Rules and Regulations of the Cook County Department of Corrections, more specifically:

CCDOC GENERAL ORDER 4.1 (effective December 1, 1996)
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 the 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

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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 11.2.20.1 (effective date: March 12, 2015)
CONDUCT POLICY, in its entirety, including, but not limited to the following subparts:**

II. POLICY

Members of the CCSO shall conduct themselves in a professional and ethical manner both on and off duty. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning member conduct.

Every member is also subject to the provisions contained throughout this policy and applicable written directives, as well as any additional guidance on conduct that may be disseminated by the CCSO or the member's supervisors.

III. APPLICABILITY

This policy is applicable to all CCSO members. Any member found in violation of this policy may be subject to discipline, up to and including termination of employment, in accordance with any applicable collective bargaining agreements and state and federal statutes. Any conflict with

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existing collective bargaining agreements shall be resolved in favor of the applicable collective bargaining agreement.

IV. COMPLIANCE WITH ALL LAWS, ORDINANCES AND REGULATIONS

Members shall respect and protect the civil and legal rights of all individuals; uphold the constitution of the United States and the State of Illinois; obey all applicable federal, state and local laws; comply with court decisions and orders of courts having jurisdiction; and comply with lawful rules, written or verbal orders, SEAM articles, policies and procedures issued by the CCSO or by any supervisor.

V. CONDUCT POLICY

A. The continued employment or retention of every CCSO member shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any member to meet the guidelines set forth in this policy, whether on-duty or off-duty may be cause for disciplinary action, up to and including termination.

B. A member's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may affect or arise from the member's ability to perform official duties, or to the extent that it may be indicative of unfitness for his/her position.

VI. CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of the CCSO. This list is not intended to cover every

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possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient service. Conduct which may result in discipline includes but is not limited to the following:

B. Conduct

- f. Failure to report activities on his/her own part or the part of any other member where such activities may result in criminal prosecution or discipline under this policy.**

E. Performance

- 13. The falsification of any work related records; the making of misleading entries or statements with the intent to deceive; or the willful and unauthorized destruction, alteration, removal, and/or mutilation of any CCSO record, book, paper or document.**
- 26. Any knowing or negligent violation of the provisions of policy, operating procedures or other written directive of an authorized supervisor. Members are responsible for reading and becoming familiar with the contents of applicable policies and procedures, and are responsible for compliance with the content contained therein.**
- 29. Failure to disclose or misrepresenting facts, or the making of any false or misleading statement on any application,**

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**examination form or other official document, report or form,
or during the course of any work-related investigation.**

**30. Giving any false or misleading statement, or omitting material
information, to a supervisor or other person in a position of
authority in connection with any investigation or in the
reporting of any CCSO-related business.**

**43. Any other on- or off-duty conduct which a member knows or
reasonably should know is unbecoming a member of the
CCSO; which is contrary to good order, efficiency or morale;
or which tends to reflect unfavorably upon the CCSO or its
members.**

15. 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, in its entirety, including but not limited to, the following subparts:**

Article X, Paragraph B

No Police Officer, Police Sergeant, Police Lieutenant of the Cook County Sheriff's

Police Department, Correctional Officer, Correctional Sergeant, Correctional

Lieutenant, Correctional Captain of the Cook County Department of Corrections or

Deputy Sheriff, Deputy Sergeant, Deputy Lieutenant of the Cook County Sheriff's

Court Services Department will:

**3. Violate any of the Sheriff's Executive Orders, General Orders, Special
Orders, Directives, Rules and Regulations of the Cook County**

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**Sheriff's Department or Cook County Sheriff's Merit Board Rules
and Regulations.**

Findings of Fact

Brian Shedor, Respondent testified, that his job duties include monitoring the inmates that are on house arrest, monitoring the inmates work schedules, checking up on the inmates jobs, inputting the inmates schedules, handling warrants if the inmates do not show up to court, picking up inmates with warrants, testifying in court if the inmate goes AWOL, and also working with the CPD on the Chicago Initiative in high crime areas. (Tr. 257-258). Respondent was subpoenaed to testify on July 29, 2016. (Tr. 261). ASA [REDACTED], who was a law clerk on July 26, 2015, told Respondent that he and 3 other Correctional Officers were not the correct officers to testify. (Tr. 262). Respondent did testify that EM investigators could testify on another investigator's behalf because each of the officers interacts with every inmate on the EM program. (Tr. 262). Respondent testified that [REDACTED] told the four officers that the judge was going to lunch and that he was going to try and get ahold of the correct EM officers, but he instructed the officers to hang out in case they were needed to testify. (Tr. 263). Respondent testified that on July 29, 2015, he waited in the area until 2:45-3:00 and then went home because the ASA never called him, and he was on his regular day off ("RDO"). (Tr. 285, 306-307). However, Respondent admitted during his OPR investigation that he did not return to the courthouse on July 29, 2015, after he left the courthouse to have lunch. (Tr. 132; Sheriff's Exhibit 11 at 16:55; 19:13) Respondent also testified that he calculated his court time on July 29, 2015, as he was told by his bosses and included his drive time, court time/ standby time and a 1 hour lunch. (Tr. 285-286). Respondent also testified that he and the other 3 officers were not released for the day when ASA [REDACTED] signed their timeslips around 11:00am on July 29, 2015. (Tr. 296). The Respondent testified that he didn't go to lunch or hang out with the other officers while he was at lunch or waiting on standby. (Tr. 301-303). Respondent also testified that officers are not required to wait at the courthouse while on standby. (Tr. 305-306).

ASA [REDACTED] testified that on July 29, 2015, she was the first chair assigned to Courtroom 402, Judge Clay's courtroom at 26th and California in the Felony Trial Division. (Tr. 13-14). [REDACTED] testified that [REDACTED] was a law clerk in July 2015 and that he always had to consult with the attorneys when he gave instructions to the witnesses. (Tr. 17). [REDACTED] testified that around July 2015, sometimes wrong EM investigators were called to testify and that when they didn't have the right officers, they would either request a continuance for trial or if they had some of the right officers but not all of the right officers, they would commence and continue the case for trial to get the rest of the officers. (Tr. 18, 19). [REDACTED] testified that generally she would sign the officers time slips when they were leaving. (Tr.22). Sheriff's exhibit 4-2, a disc containing the video files of a stationary camera recordings from camera 4.016 Corridor and 4.038 Lobby on July

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29, 2015, was marked as exhibit (Tr, 23; Sheriff's Exhibit 4-2) and subsequently admitted in evidence. (Tr. 146). [REDACTED] stated that from the video, it appears that she signed the officers' time slips at 10:56 am. (R. 29-30). [REDACTED] confirmed that she exchanged emails with Director of Electronic Monitoring [REDACTED] and that she stated that she was the one who signed the officer's slips and released around 11:00am. (Tr. 31, 32). [REDACTED] testified that she responded to OPR investigator [REDACTED] on October 4, 2016, stating "I remembered that they were released for good that day. Meaning they were no longer needed" in response to his question "At this time were the investigators released to go home or were they released for lunch and to standby just in case they were needed again?" (Tr. 42).

Conclusion

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given by the evidence in the record, the Board finds, by a preponderance of the evidence, that Respondent Brian Shedor did violate the Cook County Sheriff's Department Rules and Regulations, CCDOC GENERAL ORDERS 4.1 (effective December 1, 1996) A. 17 & 18; SHERIFF'S ORDER 11.2.20.1 (effective date; March 12, 2015) II. POLICY, III. APPLICABILITY, IV. COMPLIANCE WITH ALL LAWS, ORDINANCES AND REGULATIONS, V. CONDUCT POLICY A. AND B., VI. CONDUCT WHICH MAY RESULT IN DISCIPLINE B. f., E. 13.,26., 29., 30., 43, AND COOK COUNTY SHERIFF'S DEPARTMENT MERIT BOARD RULES AND REGULATIONS, ARTICLE X, PARAGRAPH B.

Respondent admitted in his OPR investigation that he never came back to the courthouse on July 29, 2015. He testified at the hearing that he worked until 11:00. He "hung in the area till 2:45-3:00" before going home. The four additional hours from 11:00 to 3:00 he was not at the courthouse. This is a clear violation, and a suspension is warranted.

Order

Wherefore, based on the foregoing, it is hereby ordered that Respondent Brian Shedor be suspended for 60 days from the Cook County Sheriff's Office effective July 18, 2018.

JOHN J. DALICANDRO, Chairman
BYRON BRAZIER, Vice-Chairman
VINCENT T. WINTERS, Secretary
KIMBERLY PATE GODDEN, Board Member
ELENI P. SIANIS, Board Member
TERRENCE J. WALSH, Board Member
MARLA M. KAIDEN, Board Member
WADE INGRAM SR., Board Member



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**COOK COUNTY
SHERIFF'S MERIT BOARD
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This Decision is adopted and entered by a majority of the Members of the Merit Board:

John J. Dalicandro, Byron Brazier, Vincent T. Winters, Kimberly Pate Godden, Eleni P. Sianis, Terrence J. Walsh, Marla M. Kaiden and Wade Ingram Sr.

Not Present: None

DISSENT

The following Members of the Merit Board dissent from the Findings and Decision of the majority of the Board.

[NONE]

DATED AT COUNTY OF COOK, STATE OF ILLINOIS, THIS 15th DAY OF SEPTEMBER, 2022.