

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)	
)	
vs.)	
)	Docket No. 1954
BRIAN O. GOODWILL,)	
CORRECTIONAL SERGEANT,)	
Employee # [REDACTED])	
Star # 3065)	

DECISION

This matter coming on to be heard pursuant to notice before John Jay Dalicandro, Board Member, on May 10, 2018; July 6, 2018; October 10, 2018 and October 18, 2018, the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

Brian Goodwill, hereinafter Respondent, was appointed a Correctional Officer on March 28, 1994. On April 19, 2010, Goodwill was assigned to Division IV of the Cook County Department of Corrections ("CCDOC"), a division housing woman, located at 2717 S. Sacramento Avenue, Chicago, Illinois 60608. On March 24, 2013, Goodwill was appointed a Correctional Sergeant.

Respondent's position as a Correctional Officer/Sergeant 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 the 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.

As a threshold matter, a proceeding before the Merit Board is initiated at the time the Sheriff files a written charge with the Merit Board. 55 ILCS 5/3-7012. A document is considered filed, in this case with the Merit Board, "when it is deposited with and passes into the exclusive control and custody of the [Merit Board administrative staff], who understandingly receives the same in order that it may become a part of the permanent records of his office." *See Dooley v. James A. Dooley Associates Employees Retirement Plan*, 100 Ill.App.3d 389, 395 (1981)(quoting *Giel v. Commissioners of Drainage District No. One*, 384 Ill. 499, 501-502 (1943) and citing *Hamilton v. Beardslee*, 51 Ill. 478 (1869)); accord *People ex rel. Pignatelli v. Ward*, 404 Ill. 240, 245 (1949); *in re Annex Certain Terr. To the Village of Lemont*, 2017 IL App (1st) 170941, ¶ 18; *Illinois State Toll Highway Authority v. Marathon Oil Co.*, Ill. App. 3d 836 (1990) ("A 'filing' implies delivery of a document to the appropriate party with the intent of having such document

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kept on file by that party in the appropriate place.” (quoting *Sherman v. Board of Fire & Police Commissioners*, 111 Ill. App. 3d 1001, 1007 (1982)); *Hawkyard v. Suttle*, 188 Ill. App. 168, 171 (1914 (“A paper is considered filed when it is delivered to the clerk for that purpose.”)).

The original Complaint in this matter was filed with the Merit Board’s administrative staff on January 19, 2017 and an amended complaint was filed on January 23, 2018. Regardless of whether 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 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 January 19, 2017 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 January 19, 2017 and an amended complaint on January 23, 2018. The Sheriff is requesting termination.

Lt. ██████ testified he has been with the CCSO since 2001 and has been a lieutenant since 2015. (R. 124, 125) His responsibilities depend on the shift whether he is in charge of staffing, making sure that all of the posts are covered, staffed and he has direct supervision of the sergeants and the officers under his care. (R. 125, 126) He started working with Sgt. Goodwill in October 2015 when he was transferred to Division 3. (R. 126) In March of 2016 one of the detainees ██████ approached him regarding the conduct of Respondent Goodwill. (R. 129) The detainee asked to speak with him privately and did not go through the regular chain of command because it was the sergeant she was complaining about. (R. 130) Detainee ██████ reported that Respondent Goodwill was spending an inappropriate amount of time with the female inmates that were Hispanic, speaking Spanish to them so that no one else could understand them, making inappropriate contacts with the detainees. (R. 131) He notified his immediate supervisor, Commander ██████ and was told to write a memo regarding the incident and to inquire whether anyone else was feeling the same way. (R. 132) He took a female sergeant with him when he did his interviews. (R. 132) Grievances were filled out and he forwarded them to his commander.

Superintendent ██████ testified she was hired by the Sheriff’s Department in December of 1991. She held ranks of correctional officer, sergeant, and lieutenant, and she was promoted to superintendent in July 2016. (Tr. 400-01, 430.) ██████ has known Goodwill for about 20 years. She supervised Goodwill when she was a sergeant in Division 4 and he was an officer, in 2004 or 2005. ██████ testified that no employees or detainees ever reported to her any complaints about Goodwill. (Tr. 406.) She also testified that prior to learning of Goodwill’s current disciplinary matter, she was not aware of any sexual misconduct or inappropriate behavior by Goodwill in relation to detainees or employees. (Tr. 407.) ██████ had no problem with

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Goodwill speaking Spanish at work and with certain detainees. She thought it was an asset for the department. (Tr. 408.) [REDACTED] testified with respect to [REDACTED] going to the tiers and soliciting grievances from detainees, "I wouldn't say that it's the best policy to go to a tier and openly ask 40 inmates if there's a problem...It would just open the doors to too many allegations." She explained that if a detainee came to her as a lieutenant and complained about a supervisor, "I take your statement, find out what it is that you're complaining about. I would use the equipment that we have, the cameras, things of that nature to kind of review to see if what you're telling me is accurate, but to go to a tier and openly say, you know, if any of the supervisors on my watch made any inappropriate allegations, that's not something that I would do, no." (Tr. 418-19.)

Lt. [REDACTED] recalled that many of the grievances were similar regarding Respondent Goodwill stating that he would continually come into the tier unannounced, walk past the showers and look in. (R. 171, 172) Several of the detainees also mentioned to him that they did not feel comfortable putting their complaints about Respondent Goodwill on paper for fear of reprisal specifically [REDACTED], [REDACTED] and [REDACTED]. (R. 173)

Officer [REDACTED] testified, she recited the specific rules regarding male officers working in a female unit. (R. 179) Respondent Goodwill was her sergeant in Division 3 and Division 4 and held that position in March 2016. (R. 179) Respondent Goodwill was her supervisor on March 18, 2016. (R. 180) On that date, Respondent Goodwill was called to their tier because the girls were arguing a good amount and she wanted to lock them up early to stop any potential fights. (R. 180) After Respondent Goodwill gave the order for all the girls to lock up early, the detainees started going to their cells and she waited for the residents to come up from the bottom deck. (R. 181) At that point, she witnessed Respondent Goodwill standing in front of detainee [REDACTED] cell and he was spanking her on the butt. (R. 181, 182) Her cell is sort of the corner on the top deck, so it is out of view of the camera. (R. 182) [REDACTED] testified that she called [REDACTED] on the radio to report in person, and [REDACTED] came up to the tier, and she told him face-to-face that "[s]he saw Sergeant Goodwill had [REDACTED] bent over, and he was slapping her on the ass." (Tr. 205.) [REDACTED] further testified that [REDACTED] "told [her] to keep note of it, and that was it." (Tr. 206) After she returned from vacation, she prepared a to/from memo for Lt. [REDACTED]. (R. 185) Officer [REDACTED] testified that in 2015, on Division 3, at outdoor rec, while she was sitting between Goodwill and Officer [REDACTED] on plastic chairs, Goodwill told [REDACTED] how he wished he wasn't her sergeant, so he could take her out on a date, and he made a comment about her fingernail polish. (Tr. 191-92, 209.) [REDACTED] never reported this alleged incident. (Tr. 193.)

Sgt. [REDACTED] testified, she is currently with the Cook County Department of Corrections in Division 3. Her memo indicates that she saw Respondent Goodwill walk up to a detainee named [REDACTED] and put her hair behind her ear with his hand. (R. 217) She witnessed Respondent Goodwill state to the detainee, you know as he reached over and touched her hair "you could be so pretty if you behave" and then put his hand on her hair pushing her hair behind her ear. (R. 219) She also reported to OPR that Respondent Goodwill would come on to Division 3 and 4 numerous times unannounced. (R. 221) She would witness this in person and while she was also in the bubble. (R. 221, 222) On occasion she would announce when he would walk in because she did not believe he would announce it himself. (R. 222) She has had Respondent

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Goodwill mentioned to her about taking her hat off at least five times while in Division 3 which at first, she thought she was out of uniform but then she realized he said stuff like "I want to see your face." (224) Goodwill testified that he asked ██████ to remove or lift up her hat because he could not see her face and could not identify her. Goodwill explained that ██████ "wore the hat straight, but the bib was down by her nose, it was close to her nose, it was covering her entire forehead below her eyebrows, so I couldn't even see her face." (Tr. 483.) Goodwill further testified that in his opinion the way ██████ wore her hat "was a security risk, [he] could not identify who the officer was." (Tr. 484.) Goodwill testified that "when I would see her with her hat down, I would either tell her verbally to lift her hat up, so she could be seen, or I would signal to her by grabbing the bill of my hat and lifting my hat up." (Tr. 485.)

Officer ██████ is with the Cook County Sheriff's Department and is a correctional officer since 2013. (R. 242, 243) She worked in Div 3/4 in October 2014 which is a female dormitory. (R. 244) She wrote a memorandum regarding the Respondent Goodwill entering the tiers unannounced. (R. 245) It was reported that she had witnessed Respondent Goodwill take several detainees off the tiers and spoke to them in the hallways for long periods of time. (R. 250) She noticed the conversations between Respondent Goodwill and the detainees to be "very friendly." (R. 254)

Officer ██████ testified, she is a correctional officer since 2012 (R. 257) in Division 4 which is a female dormitory and is also a union steward since 2013. (R. 257) The policy is very clear in Division 3 that any male officers entering the deck must announce themselves. (R. 258) She also has witnessed Respondent Goodwill coming through the emergency exits unannounced. (R. 261) She never saw any other supervisors do this. (R. 261) She described that Respondent Goodwill would pull detainees off the tiers, out of rec lines and out of classrooms to speak to the detainees and appeared to be a causal conversation and not work related. (R. 262, 263) You can tell the conversation was causal and not business related because of the way they were speaking to each other, the mannerisms they were expressing and the only time that they should be talking to them is to give them a direct order or deal with their cell or movement and none of that was the case. (R. 264)

Ms. ██████ testified, she is a detainee at the Cook County Jail and has been for six years. (R. 277) In 2016 she was living in Division 4, Tier I2 and she spoke with Lt. ██████. (R. 280) She relayed to him that Respondent Goodwill had come through the emergency exit twice unannounced and it was very uncomfortable and very creepy and unprofessional. (R. 280) She did file grievances regarding the incidents as described. (R. 284) She also saw inappropriate conduct by Respondent Goodwill in Division 3 Tier B3 when she saw detainee ██████ standing in the dayroom and Respondent Goodwill bent down and rubbed her leg. (R. 293)

Her fourth grievance was regarding an incident where she witnessed Respondent Goodwill telling one of the female detainees that she was going to hurt herself with those breasts as he pointed to them and said you better hold them down, he smiled and walked away. (R. 294) In another incident, she saw Respondent Goodwill showing two female detainees the size of his penis in Division 3, Tier B3. (R. 297) Goodwill wore an equipment belt every day when he was

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in Division 3, which consisted of an inner belt, which held his trousers up, and an outside belt that fit around his inner belt and held his equipment. He had a radio, handcuffs, glove case, flashlight, and key ring on his outside belt. Goodwill testified that it would take some work to remove the equipment belt because the outer belt is fastened with seven belt keepers, which are two snaps that connect the outer belt to the inner belt. (Tr. 523, 525.) Goodwill testified that he never took off his equipment belt in the day room, that he never took his pants down in the day room, and that he never took his pants down in any area where there were detainees. (Tr. 523-24.) The Sheriff did not present any video evidence showing Goodwill in the day room with detainees, with his pants down, exposing the tattoo on his thigh, he did not present any officers or other detainees who witnessed the tattoo incident.

Ms. [REDACTED] testified she is a detainee at the Cook County Department of Corrections for the last four years. (R. 322) She knows Respondent Goodwill and identified him in the hearing room. (R. 323) Her first grievance was that Respondent Goodwill wrapped his arm around an inmate and told her she is "getting thick", and that he inappropriately he sat on an inmate's lap before joking around. (R. 330) The second grievance was in Division 3 where she witnessed in the recreation room Respondent Goodwill called her out and put ice inside her shirt and touched her boobs and then laughed about it. (R. 334) When he put the ice down her shirt, he told her "now, stay out of trouble, and go back in there." (R. 335) She testified that she has witnessed Respondent Goodwill enter the tier without announcing himself at least two times. (R. 350) She has seen him come in through the emergency exit in the dayroom and she has never seen any other officer do this. (R. 350)

Ms. [REDACTED] is a detainee at Cook County Department of Corrections, Division 5, 2E. She has been there for 2-1/2 years. (R. 366) She knows Respondent Goodwill and he has been a supervisor to her in Division 4 and Division 3 which are for women. (R. 367) She identifies Respondent in the hearing room. (R. 367) Her grievance was regarding March 26, 2016 and she reported that Respondent Goodwill came and sat next to her real close and asked "what's up, what's going on" which she responded nothing, and he tried to reach for her brown bag and touched her right thigh trying to grab her bag. (R. 372) During this incident she was in Division 4, Tier K2, sitting at the table with other detainees and she her towel, washcloth, deodorant, soap in her bag at her feet at the table. (R. 375). (R. 376) He had never done this before and no officer had ever done this before. (R. 376) He asked her for her brown paper bag and he used his left hand and reached in between her thighs by touching her right thigh and he took the bag from underneath the table. (R. 377) He put his left hand forcefully between both of her legs and retrieved her bag from underneath the table. (R. 378) She did not immediately report this because she did not understand the grievance process at that time and she was worried about her safety. (R. 379, 280)

The videotape recording of March 25, 2016, in Division 4, Tier 2K, showing Goodwill with detainee [REDACTED] at a table, does not show any improper conduct by Goodwill. The videotape does not show Goodwill grab the right thigh of [REDACTED]. (Tr. 57; Sheriff Ex. 5 beginning at time stamp 6:28 and 7 seconds p.m.) Detainees were allowed to use paper bags as property bags, and Goodwill was allowed to search them. Goodwill reached underneath the table for [REDACTED]'s bag in order to inspect it for contraband. He didn't see any contraband in it. (Tr.

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61-65.) Goodwill testified that when he reached for [REDACTED]'s bag, he did not touch her inappropriately in any way. He explained that he made incidental contact with her, which was "instantaneous, it was less than a moment," when he pulled the bag up. (Tr. 528.)

Lt. [REDACTED] testified, she has been with the Department since 1991. (R. 440) She has known the Respondent for 20 years both in and out of the office. (R. 441, 442) [REDACTED] testified that during the periods she worked with Goodwill, she never received any reports from any employees or detainees that Goodwill had engaged in any inappropriate behavior of any kind, and she never received any reports from any detainees that Goodwill had engaged in sexual misconduct. (Tr. 444.) She further testified that she never became aware of any inappropriate behavior by Goodwill, or sexual misconduct by Goodwill with detainees or employees. (Tr. 445.)

Brian Goodwill Respondent testified, he began employment with the Sheriff's Office in 1994. (R. 466) Goodwill testified that in late March 2016, based on instructions from Lt. Sweezer, he entered tiers through emergency locked entrances in order to do a physical inspection of them. He would enter the tier through the emergency exits at least once per shift. Prior to being instructed by [REDACTED], he had never entered tiers through emergency exits. He always announced his presence when he enters a tier through the emergency exit. (Tr. 478-80.) Goodwill denied that he had ever sexually harassed any employees or detainees. He further denied that he had ever sexually harassed any employees or detainees. He further denied that he had ever inappropriately touched any employees or detainees. (Tr. 529.) Respondent testifies that none of the incidents relayed by numerous witnesses at the hearing including [REDACTED], [REDACTED], others ever occurred. (R. 508 – 510) In testimony he admits that he told Officer [REDACTED] to take her hat off and explained to her that he could not see her face. (R. 511) Respondent states that all the grievances outlined by detainee [REDACTED] are untrue. (R. 513, 514)

Conclusion

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given by the evidence in the record, the Merit Board finds that Respondent Brian Goodwill violated the Cook County Sheriff's Department Rules and Regulations. The evidence clearly sustains the charges filed against him.

Sergeant Brian Goodwill has been working in female divisions since 2003. (R. 26) He is very familiar with the operations and rules regarding male sworn members working in female divisions. (R. 27) Absent any reason related to correctional security and safety he is not allowed to touch female detainees. (R. 28) He admits that the Sheriff's Office has a zero tolerance for the sexual abuse or sexual harassment of subjects by other subjects, employees, contractors or volunteers. (R. 35) He agrees and admits he is to follow all of the rules and regulations of the Cook County Sheriff's Office. (R. 36, 37, 38).

Three detainees and four Cook County Sheriff Correctional Officers all testified under oath that sexual harassment incidents occurred. Each person who testified clearly described each and every incident. The evidence whether captured on video or even reported timely, describes a pattern of behavior that is unacceptable by any Correctional Officer in the Sheriff's Office. It

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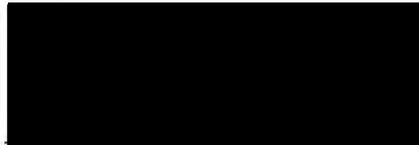
should be noted that even if some of the events may not have taken place exactly as how they were written in the grievances, the description of the acts committed are clear violations of the rules.

Order

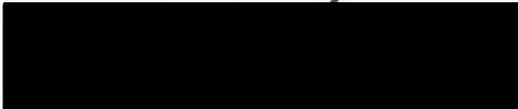
Wherefore, based on the foregoing, it is hereby ordered that the Sheriff's request to terminate and remove Brian Goodwill, respondent, from the Cook County Sheriff's Office is granted effective January 19, 2017.



James P. Nally, Chairman



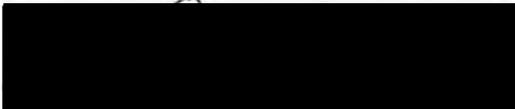
Vincent T. Winters, Board Member



Byron Brazier, Vice Chairman



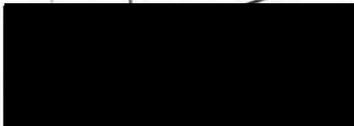
Kim R. Widup, Board Member



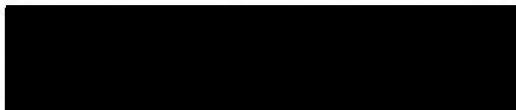
John J. Dalicandro, Secretary



Patrick Brady, Board Member



Juan Baltierres, Board Member



Gray Mateo-Harris, Board Member

Dated: December 24, 2018