

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County

vs.

TIMOTHY REED
Employee # [REDACTED]
Star #11396

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) Docket No. 2079
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DECISION

This matter coming on to be heard pursuant to notice before Juan Leonardo Baltierres, Board Member, on June 6, 2018 and June 25, 2018, the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

TIMOTHY REED, hereinafter Respondent, was appointed a Correctional officer on November 18, 2002. 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 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 *Gietl v. Comminssioners 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 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 November 22, 2017. 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

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("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 commencing 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 November 22, 2017 and an amended complaint on January 25, 2018. The Sheriff is requesting termination of employment.

On November 18, 2002, Deputy Sheriff Timothy D. Reed (hereinafter referred to as "Deputy Reed") was appointed a Correctional Officer (Tr. at 91). On March 8, 2002, Deputy Reed was appointed a Deputy Sheriff in the Court Services (Tr. at 91). On March 31, 2015, Deputy Reed was assigned to District 4 – Maywood Courthouse, located at 1500 Maybrook Drive, Maywood, Illinois 60153.

On or about April 17, 2016, the Office of Professional Review (hereinafter referred to as "OPR") received notification that Deputy Reed had been arrested by the Berkeley Police Department. (Tr. at 27) The criminal charges against Deputy Reed were disorderly conduct, battery to cause bodily harm and aggravated assault with the use of a deadly weapon. (Tr. at 27)

On or about April 17, 2016, Deputy Reed's case was assigned to OPR Investigator [REDACTED] (Tr. at 26) Investigator [REDACTED] obtained documents, arrest reports and records from the Berkeley Police Department. (Tr. at 28)

On August 10, 2016, Deputy Reed was interviewed and provided an audio-recorded statement to OPR Investigator [REDACTED] (Tr. at 37, Sheriff Ex. 2) Deputy Reed stated to Investigator [REDACTED] that he failed to make the proper notifications to OPR or his supervisors (Tr. at 37, Sheriff Ex. 2). In his interview with Investigator [REDACTED], Deputy Reed testified that he was at his girlfriend's home on April 17, 2016 at around 03:00 A.M. (Tr. at 36) Deputy Reed stated to Investigator [REDACTED] that he was moving his vehicle from their driveway at the time of the incident and saw two individuals running up to the house next door. (Tr. at 38, 39, 40) Deputy Reed did not report to Investigator [REDACTED] about having consumed alcohol prior to the incident. (Tr. at 40) Investigator [REDACTED] testified that he never specifically asked Deputy Reed if he was drinking. (Tr. at 48)

Detective [REDACTED] is a detective with the Village of Berkeley. (Tr. at 67) Detective [REDACTED] was on patrol April 17, 2016 working midnights. (Tr. at 67) Detective [REDACTED] responded to a disturbance in the [REDACTED] block of [REDACTED] involving two motorists and he learned that one of the parties had a firearm. (Tr. at 68) Upon arriving, Detective [REDACTED] saw two vehicles and two subjects and that there was a white male standing in front of a Lincoln and that

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Deputy Reed was in front of a Chevy Blazer. (Tr. at 70) Detective ██████ identified Deputy Reed as a black man who was standing in front of the Chevy Blazer (Tr. at 71) Detective ██████ separated the individuals and had conversations with each. (Tr. at 72) Detective ██████ stated that when he arrived on the scene, Deputy Reed's weapon was holstered. (Tr. 83-84) While questioning Deputy Reed, Detective ██████ removed Deputy Reed's weapon and placed it in a secured location. (Tr. at 73) Detective ██████ believed he noticed a strong odor of alcohol on Deputy Reed. (Tr. at 74) Detective ██████ reported that while questioning Deputy Reed, he stated that he was moving his car from his girlfriend's driveway, when saw a vehicle parked in front and two subjects exit the vehicle and run up the driveway into his backyard. (Tr. at 74) Deputy Reed reported to Detective ██████ that he asked the driver of the vehicle what he was doing there and who he was and that he was told "none of your business." (Tr. at 75) Deputy Reed reported to Detective ██████ that the driver of the vehicle began to move the vehicle forward towards him. (Tr. at 85) Deputy Reed then relayed to Detective ██████ that he pulled out his weapon and told the driver of the vehicle to call the police. (Tr. at 75) Detective ██████ stated Deputy Reed was very compliant, polite, and that he did identify himself as being an off duty deputy sheriff. (Tr. at 84) Deputy Reed was detained and brought into the station for further questioning. (Tr. at 76) Detective ██████ reported that the interview with Deputy Reed at the Berkeley Police Department did not take place until approximately 1-1/2 hours later due to protocol for when someone is intoxicated. (Tr. at 78) Deputy Reed was arrested on April 17, 2016. (Tr. at 87) Mr. ██████ was not arrested. (Tr. at 88)

Deputy Timothy D. Reed testified that in the early morning hours of April 17, 2016 he went outside to move his car from the driveway because his girlfriend was on her way home. (Tr. at 93) Deputy Reed observed a vehicle park in front of his house and two persons exit the vehicle and run into the rear of the property. (Tr. at 94 and 103) Deputy Reed then observed the same vehicle make a u-turn and park in front of his house again. (Tr. at 95) Deputy Reed pulled into his driveway and put on his brights to see what was going on in back but could not see because it was dark. (Tr. at 96) Deputy Reed then approached the driver of the vehicle and asked him "who is that you let out." (Tr. at 96) An argument ensued and Deputy Reed stated that as he was walking back towards his vehicle, the driver, Mr. ██████ acted as if he was going to hit him with his vehicle. (Tr. at 97) Deputy Reed testified that he drew his weapon. (Tr. at 97) Deputy Reed testified that after he drew his weapon he announced that he was a Deputy Sheriff. (Tr. at 104) Deputy Reed testified that he ordered Mr. ██████ to call 911 as he did not have his cell phone on his person. (Tr. at 104) Deputy Reed testified that his weapon was already holstered when the Berkeley Police arrived on scene. (Tr. at 104) Deputy Reed testified that he had "some drinks" during the afternoon on April 16, 2016. (Tr. at 101) Deputy Reed denied being intoxicated. (Tr. at 101) Deputy Reed testified that on April 17, 2016, he failed to make verbal notification via telephone to the Cook County Communications Center ("Communications") to report his arrest (Tr. at 100). Deputy Reed testified that on August 10, 2016 he reported to investigators from OPR that he failed to make the proper notifications to OPR or his supervisors (Tr. at 37, Sheriff Ex. 2).

Conclusion

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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 that Respondent violated Cook County Court Services Department Policy 322 – Conduct; and Cook County Sheriff’s Department Merit Board Rules and Regulations – Article X.

This is an incident in which Respondent, a Deputy Sheriff, observed an occupied stationary vehicle in front of his residence at approximately 3:00 A.M on April 17, 2016. Deputy Reed, while off-duty, approached the driver of the vehicle to inquire about the two persons he observed exit the vehicle and run toward the rear of his property. Deputy Reed was unable to obtain cooperation from the driver of the vehicle, Mr. [REDACTED], and an argument ensued. Mr. [REDACTED] then moved his vehicle while Deputy Reed was walking back to his vehicle. Deputy Reed drew his weapon in a downward position until the Berkley Police were called by Mr. [REDACTED]. Police Officer (now Detective) [REDACTED] indicated an odor of alcohol emanating from Deputy Reed, but no evidence of impairment or blood alcohol content was presented at trial. Deputy Reed denied being intoxicated or impaired. Deputy Reed was described by Detective [REDACTED] as being very compliant and polite during his interaction with the Berkley Police. In the Board’s judgment, the Respondent failed to make timely verbal and written reports regarding the incident as required by Cook County Court Services Department Policy No. 322.5.2 – Conduct and Cook County Sheriff’s Department Merit Board Rules and Regulations – Article X.

Additionally, the Board finds that Respondent did not violate the Cook County Court Services Department Policy 306 – Firearms as no evidence of alcohol impairment or blood alcohol content was presented at trial.

Order

Wherefore, based on the foregoing, it is hereby ordered that Respondent Timothy D. Reed be suspended for Sixty days (60) days from the Cook County Sheriff’s Office effective November 22, 2017.

[REDACTED]
James P. Nally, Chairman

[REDACTED]
Byron Brazier, Vice Chairman

[REDACTED]
John J. Dalicandro, Secretary

[REDACTED] (DISSENT)
Patrick M. Brady, Board Member

[REDACTED]
Vincent T. Winters, Board Member

[REDACTED]
Kim R. Widap, Board Member

[REDACTED]
Juan A. Baltierres, Board Member

[REDACTED]
Gray Mateo-Harris, Board Member

Dated: 10/26/2018

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SHERIFF OF COOK COUNTY

vs.

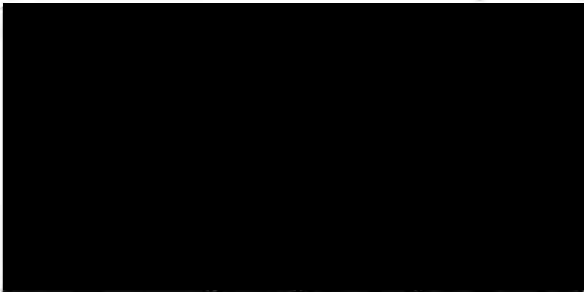
Timothy Reed, Correctional Officer

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DISSENT ON DECISION

I hereby dissent in the findings of fact in this matter as in my opinion the record reflects sufficient evidence to sustain the charges contained in the complaint.



Patrick M. Brady, Commissioner