

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)	
)	
vs.)	
)	Docket No. 2102
Police Officer)	
Michael Doyle)	
)	

DECISION

This matter coming on to be heard pursuant to notice before John Jay Dalicandro, Board Member, on October 25, 2018, the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

Michael Doyle, hereinafter Respondent, Respondent was appointed to a Deputy Sheriff on October 30, 1995. Respondent was promoted to a Police Officer with the Cook County Sheriff's Police Department ("CCSPD") on January 9, 2013.

Respondent's position as a Police 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. 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 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 February 13, 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 February 13, 2018 commenced the instant action, was properly filed, and will be accepted as the controlling document for calculating time in this case.

Findings of Fact

Sheriff’s complaint dated February 13, 2018, in which the Petitioner (Sheriff) sought, upon a finding of guilt, the removal of the Respondent from duty with the Cook County Sheriff’s Department.

██████████ testified, he is a bartender and was working at the Tinner’s Bar in Joliet on July 20, 2017. (R. 10-11) He was serving the Respondent Michael Doyle alcohol that day and did not previously know Michael Doyle. (R. 11) He did speak with the Respondent while he was working and seemed very friendly, outgoing and personable. (R. 12) He served the Respondent beer and two glasses a whiskey. (R. 12) He recalls the Respondent being friendly and outgoing at first but then went to the restroom and came back and seemed like a different person. (R. 13) He also recalls the Respondent going outside in the parking lot for approximately an hour before he returned to go to the bathroom and then came back. (R. 13) After Respondent returned, he paid his bill with a credit card and stood up. (Tr. 16). Mr. ██████████ assumed that Respondent was leaving. (Tr. 16.) Sheriff’s Exhibit 1 contains security footage from the Tin Roof bar on July 20, 2017. (Tr. 23). Respondent Doyle come at him aggressively and he backed him up into the corner of the bar space and grabbed him by the throat, drew a folding knife from his pocket and held it towards his face. (R. 16) At no point did the knife touch Mr. ██████████. (Tr. 100). Mr. ██████████ separated Respondent from Mr. ██████████. (Respondent Ex. 1). Respondent immediately “exclaimed that it was all a joke, ‘just trying to scare him.’”(Tr. 37-38; Respondent’s Ex. 1). Respondent immediately told Mr. ██████████ that it was just a joke and that they were joking around. (Respondent Ex. 3) Respondent admitted that pulling out the knife was a bad decision and believed that it would enhance the joke. (Tr. 99). Respondent’s intent in going behind the bar and pushing Mr. ██████████ up against the wall was to goof around and participate in a prank. (Tr. 99-100). Respondent admitted that he was intoxicated and that his conduct was motivated, in part, to his alcohol consumption which played a role in his decision making that night. (Tr. 100, 107). Respondent remained at the bar for approximately 45 minutes to an hour after the incident. (Tr. 101). Mr. ██████████ saw the Joliet police while outside but did not speak to them. (Tr. 29). At the time the police arrived, Respondent was inside the bar. (Tr. 29). Mr.

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█████ spoke to the police at the door of the bar and then they left. (Tr. 30). The police did not speak with Respondent nor did they enter the bar. (Tr. 30).

Mr. █████ testified that he did not know why Mr. █████ did not let the officers inside the bar or let them leave. (Tr. 31). Respondent's Exhibit 3, a Joliet Police Department Case Report, indicates that Mr. █████ stated "that upon arrival of the Joliet Police Department, Mr. █████ went outside and spoke with the police and told them that it was just a joke that went too far and that nothing was wrong." (Respondent's Ex. 3). Mr. █████ did not understand the encounter to be a joke and felt afraid but he did not inform Mr. █████ that he wanted to speak with the police that night, that he wanted Respondent to be kicked out of the bar, or that he wanted Respondent to be arrested. (Tr. 18, 31, 39) Mr. █████ did not contact the police on July 20, 2017 and admitted that he could have gone to the Joliet Police Department to make a complaint because he drove to work but did not. (Tr. 31-32). Mr. █████ spoke to the police the following day on July 21, 2017. (Tr. 44). He contacted the Joliet Police Department by phone, spoke with a female officer who said that when Mr. █████ clocked in for his next shift that he should call the Joliet Police Department and they would send an officer to take his statement and that it would be handled from there. (Tr. 44). Respondent's Exhibit 3 is a copy of Joliet Police Department Case Report J1-17-0011648-001, stating, "[o]n 7-28-17, at approximately 1809 hours, R/O responded to a JPD front desk for an aggravated assault complaint that occurred on 7-20-17, at approximately 2220 hours in the Tin Roof Bar located at 158 N. Chicago St." (Respondent Exhibit 3). Mr. █████ submitted a complaint register on August 30, 2017, forty days following the incident, after Investigator █████ from the Office of Professional Review contacted him. (Tr. 32, 37; Respondent Ex. 1).

Office of Professional Review Investigator █████ testified he was assigned to investigate this case. (Tr. 57). The allegations were that Officer Doyle battered and assaulted a bartender at the Tin Roof Bar in Joliet, Illinois. (Tr. 58). OPR Investigator █████ reviewed reports from the Joliet Police Department, the complaint made by Mr. █████, who was the bartender, and video that was given to the Joliet Police Department of the incident. (Tr. 58, 71; Respondent Ex. 1, 2, 3 and 6). Investigator █████ attempted to interview Mr. █████ on a number of occasions because he felt that it was important to get the full story with this investigation. (Tr. 81). Respondent told Investigator █████ that his conduct was a joke and Investigator █████ wanted to corroborate that by speaking with the Mr. █████ and to obtain names of patrons at the bar. (Tr. 81-82). 67. Even if Mr. █████ had corroborated it was a joke, it would not have affected the outcome of his finding because the actions that the Respondent took as a Cook County Sheriff's employee violated the General Orders that we spoke of earlier. (R. 88) Article X of the Merit Board Rules as well as the other conduct policies cited were all in violation even if the Respondent believed it was a joke. (R. 89) Mr. █████ reported to Investigator █████ that he was never in on any so-called joke. (R. 89)

Michael Doyle the respondent testified, he has worked from the Sheriff's Office from October 30, 1995 until this incident when he was put on de-deputized status. (R. 95) Respondent admits that he was at the Tinner's Bar on July 20, 2017. (R. 97) He was there for at least 3 hours

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and that he was drinking both whiskey and beer. (R. 98) He felt intoxicated when he left the bar. (R. 98) Respondent went behind the bar because he was friends with the manager who had asked him to prank his new employee. (R. 99) He pushed Mr. [REDACTED] up against the wall and he had a knife and he pulled out his knife. (R. 99) Respondent admits that after reviewing the video it was not funny and the actions he took that night went too far. (R. 101) Respondent admits that he did not report this incident to anyone at Cook County. (R. 102) Respondent admits that he did drive home after being intoxicated and having several drinks. (R. 108) Respondent admits that he did not know Mr. [REDACTED] prior to this evening and admits that after allegedly talking with the bartender's supervisor, he went behind the bar, pushed Mr. [REDACTED] against the wall and pulled out a knife. (R. 109) He did not believe that [REDACTED] asked him to pull out a knife. (R. 109) The video was shown to the Respondent and he says he was telling Mr. [REDACTED] that it was a joke even though he continued to have his hand around Mr. [REDACTED]'s neck and had a knife to his throat. (R. 110) He understands that someone not in on the joke would believe this to be an assault and a criminal act. (R. 111) He was arrested and charged with DUI after the incident. (R. 113) He pled guilty to the charges. (R. 113) This occurred in November [REDACTED] [REDACTED] (R. 113) Since being stripped of his police powers, Respondent testified in court as a Cook County Sheriff's Police Officer in a criminal case. (Tr. 116). The criminal matter resulted in a guilty verdict. (Tr. 117). Respondent has never previously been disciplined during his employment with the Cook County Sheriff's Office. (Tr. 97).

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 that Respondent violated the Cook County Sheriff's Department Rules and Regulations.

The Respondent Michael Doyle by his own admission committed an act that cannot be tolerated. Even if he was playing a joke, pulling a knife on someone is conduct that clearly is in violation of the Rules.

Order

Wherefore, based on the foregoing, it is hereby ordered that the Sheriff's request to terminate and remove Michael Doyle, respondent, from the Cook County Sheriff's Office is granted effective February 13, 2018.

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[Redacted]

James P. Nally, Chairman

[Redacted]

Byron Brazier, Vice Chairman

[Redacted]

John J. Dalicandro, Secretary

[Redacted]

Juan Baltierres, Board Member

[Redacted]

Vincent T. Winters, Board Member

[Redacted]

Kim R. Widup, Board Member

[Redacted]

Patrick Brady, Board Member

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Gray Mateo-Harris, Board Member

Dated: December 17, 2018