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**MERIT BOARD - ABSTRACT OF CASES (1/1/05 – 2/6/15)**

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<b>A-</b> Alcohol Related	<b>RR-</b> Racial Remark	<b>DB-</b> Domestic Battery	<b>FI-</b> Failure to Investigate
<b>B-</b> Battery	<b>DP-</b> Destroying Property	<b>R-</b> Retaliation	<b>FDC-</b> Failure to Deposit Cash Bond
<b>S-</b> Sex Related Charge	<b>DDO-</b> Disobeying a Direct Order	<b>CP-</b> Counterfeit Prescriptions	<b>AG-</b> Accepted Gifts
<b>CI-</b> Release of Confidential Information	<b>LWE-</b> Leaving Work Early	<b>VCO-</b> Violated Court Order	<b>SE-</b> Secondary Employment
<b>I-</b> Intimidation	<b>MD-</b> Making Deals	<b>AW-</b> Automatic Weapon	<b>FRW</b> Failure to Report to Work
<b>ACF-</b> Associated with Convict	<b>FR-</b> False Report/ Failure to Report	<b>UEPR-</b> Use of Equipment for Personal Use	

This is an April 21, 2014 decision of the Merit Board based on the joint motion of the parties. Brody was **suspended 90 days** according to the terms of the settlement agreement attached to the decision. (A copy of the settlement agreement was not disclosed.)

The complaint alleges that Brody holds the rank of Master Sergeant and at all relevant times was assigned to District 15, the toll road, and worked in administration. He has been employed by ISP since April 5, 1999. The events all took place in San Diego, California in late December 2012 and specifically on New Year's Eve.

The Settlement Agreement provides that Brody admits he pled guilty on April 24, 2013 to the offense of resisting an officer which is a misdemeanor under the California penal code and was convicted of said offense. He also admits that on January 1, 2013 while off duty in California, he committed the offense of resisting an officer which resulted in his pleading guilty on April 24.

Brody admits he willfully and unlawfully resisted, delayed and obstructed police officers in the discharge of their office when they sought to arrest him. He admits that he consumed alcoholic beverages to the extent that it resulted in obnoxious or offensive behavior that discredited himself and the department and engaged in a verbal and/or physical altercation with bar security, refused to leave the premises when requested, repeatedly identified himself as an Illinois State Police Officer and Master Sergeant, and resisted arrest and struggled with officers of the Carlsbad Police Department. He admits that said behavior brought the department into disrepute.

Brody agrees that in consideration of the admissions he will be suspended for a period of 90 days without pay. Furthermore, he agrees to attend counseling, at his own time and expense, the length and character of which will be determined by the healthcare provider and to provide written confirmation that he has completed the same.

This is an October 28, 2013 decision of the Board on a joint motion. Trooper Rieves was **suspended for 45 days** according to the terms of the settlement agreement which is attached to the decision. (A copy of the settlement agreement was not disclosed.)

The complaint alleges that Rieves has been employed by ISP since June 6, 1994 and holds the rank of Trooper. At the relevant times, he worked as a Gaming Board Agent at the Grand Victoria Casino in Elgin.

The Settlement Agreement provides that Rieves voluntarily admits that he submitted a false report on January 16, 2013 to his supervisor in which he denied having a sexual



relationship with Tracy Turner while in the Gaming Board Office at the Grand Victoria Casino. Rieves voluntarily admits that this created a prohibited conflict of interest in that from May 2012 to January 2013 he engaged in a sexual relationship with the casino employee, Tracy Turner, while on duty as a Riverboat Gaming Command Agent. Rieves further voluntarily admits that said action brought the department into disrepute.

In mitigation, Rieves was completely truthful and candid in his statements during his administrative interview as well as his appearance before the Disciplinary Review Board.

<b>Merit Board Docket #13-5</b>	<b>Trooper John C. Neuhauser</b>	<b>Full Hearing</b>
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The decision of the Board is dated July 22, 2014. Evidence was taken by Hearing Officer Mark Mifflin. **The Board imposed a 75-day suspension.** The Board found that ISP proved by a preponderance of the evidence, **guilt** as to Counts II, III, IV and V. The Board adopted the hearing officer's findings.

In its Order, the Board found that Neuhauser was untruthful on several occasions which violated the rules of conduct and also brought shame and disrespect on the Department. His untruthfulness represented a substantial shortcoming related to his service as an employee of ISP and was not trivial. This 24 year old veteran knew what he was doing and used confidential files of ISP in an attempt to influence school district administrators in a personal matter, knowing these files were confidential, and then tried to conceal what he did. Contrary to the argument of Neuhauser, the Board did not find the violations to be a "misunderstanding".

The hearing officer determined that Kali Taylor coached the Neuhauser's two daughters in track at Sullivan High School since approximately 2009. Differences arose concerning the coaching style. Taylor alleges specific incidents involving the Neuhausers which threatened or offended her. On May 21, 2012, Taylor requested the Neuhausers be removed from a track meet at Millikin University. This heightened the difference between the coach and the Neuhausers.

On May 25, 2012, Neuhausers and Taylor met with school officials regarding Taylor's coaching style. After the meeting, Taylor filed a petition in court for a no-contact stalking order which was denied by the judge.

Taylor also filed a complaint against Neuhauser with ISP on May 29, 2012. This resulted in a DII investigation into Neuhauser's alleged misconduct. The complaint was based upon the alleged misconduct and intimidation at the track meet and past incidents of the Neuhausers with Taylor.

On September 14, 2012, ISP notified Neuhauser that there was no finding of misconduct and that the case had been officially closed. On September 25, 2012,

Neuhauser requested he be provided a copy of the case file involving the investigation of the Taylor complaint. Lieutenant Weyforth delivered the file to Neuhauser on October 9, 2012 and had Neuhauser sign a receipt of file acknowledging that the file was considered official State business and as such was covered by Rule 31B of the Rules of Conduct.

After considering the evidence, the Hearing Officer found that Weyforth advised Neuhauser that it was his personal file but never advised Neuhauser that he could do what he wanted with it. The Hearing Officer believed Neuhauser was anxious to receive the file and signed the receipt in a hurry and heard only the part that it was his file but did not fully comprehend the part that was specifically stated by Weyforth that it was not to be shared with others as indicated in the Rule. Neuhauser simply would not let the matter go although Weyforth told him to let it go. He wanted to be vindicated and he believed that Taylor was trying to hurt him and jeopardize his job.

One week after he received the file, Neuhauser attended a meeting with 4 school administrators at the high school. The meeting was set up so that Neuhauser could seek vindication and show the administrators that Taylor had lied in her complaints. Following a discussion, Neuhauser gave a single copy of the file to the school administrators on the condition that they not copy the file and they return it to Neuhauser. Neuhauser did give permission to the administrators to give a copy of the file to the school's attorney for their review as long as they did not make another copy and that that copy be returned to Neuhauser. Two to three weeks later, Neuhauser retrieved the copy of the file from the school.

When Neuhauser met with Weyforth at the end of October 2012, Neuhauser asked Weyforth whether he had given the case file to the State's Attorney for possible criminal prosecution of Taylor for perjury. He did not advise Weyforth that he had given a copy of the file to the school administrators. Weyforth did not feel the inconsistencies were sufficient to pursue criminal charges.

On December 4, 2012, Neuhauser went to the State's Attorney to discuss potential charges against Taylor for perjury. Neuhauser also sent an email to Master Sgt. Thompson which he believed demonstrated the lies in the Taylor investigation. Neuhauser also went to Lieutenant Wenzel and asked if he could give a copy of the file to the State's Attorney.

Wenzel left a voicemail reminding Neuhauser that he could not give the file out and that he could not give the file to the State's Attorney. Wenzel said that Weyforth would handle the matter with the State's Attorney. The file was never given to the State's Attorney. Wenzel also told Neuhauser again not to share the file and Neuhauser told him he had not shared the file with anyone.

The Hearing Officer specifically found that Neuhauser did not tell Wenzel he had provided a copy to the school administrators, that Neuhauser did not attempt to tell any



other officials with ISP that he had provided a copy to the school administrators and that the revelation would have triggered a bigger deal by ISP if the disclosure had been made by Neuhauser.

On December 12, 2012, DII did reopen the Taylor case as requested by Neuhauser. While interviewing school administrators, ISP learned that Neuhauser had let the administrators have a copy of the Taylor file. Neuhauser was then asked to provide information as to whether he shared the file with anyone and specifically whether he showed anyone at the high school the DII file. He was also specifically advised that the State's Attorney was not going to pursue perjury charges against Taylor.

On January 10, 2013, Neuhauser submitted a memo admitting that he received a copy of the file, made a copy and took the file to a meeting with 4 school administrators. Further, he admitted he left a copy with one of the administrators but told him he did not want it copied and wanted to get it back after it was reviewed. Neuhauser made no mention about providing consent to the school administrators to show the school attorney the file.

#### **Specific Findings of Fact –**

##### **Count I –**

This count involves the failure of Neuhauser to admit that he gave permission to the administrators to show the school's attorney the file. **Not Guilty.**

##### **Count II –**

This count involves the failure of Neuhauser to truthfully answer questions from Lt. Wenzel wherein Neuhauser indicated he had not shared the file with anyone, knowing his statement to be false. In fact, Neuhauser knew the file was confidential and still failed to indicate that he had disclosed the file to others. **Guilty.**

##### **Counts III & IV –**

These counts involve failure to obey a lawful order of a superior and to treat the official business of the Department as confidential. The Hearing Officer found the DII case file was confidential based on the Department's standards and is not subject to dissemination at the discretion of the officer to whom it has been provided. Lt. Weyforth told Neuhauser not to share the file with anyone and Neuhauser knew the file was confidential. **Guilty.**

##### **Count V –**

Neuhauser is accused of failing to conduct himself in a manner that reflects favorably on the Department. The Hearing Officer finds that it is not creditable that Lt. Weyforth told Neuhauser that the file was his and he could do whatever he wished with it. Also, Neuhauser's statement to Captain Beasley about these matters was not true and discredited the integrity of the Department. **Guilty.**

### Penalty Consideration –

Lieutenant Kilby testified concerning the matrix. Overall, he recommended a penalty in excess of 30 days. Count I was the most serious which would result in a 60 to 90 day suspension. The other counts were lesser offenses.

Kilby and other witnesses testified about Neuhauser's work as a trooper. Neuhauser testified about his background and various awards he had received. Neuhauser also entered into evidence his performance evaluations from 2008 through 2013.

Michael Powell testified that he is currently President of Troopers' Lodge 41. He testified that the matrix is a unilateral product of the Department without any input from the union. He testified he believed that any suspension for a period of 60-90 days was not warranted.

Neuhauser testified that a 90-day suspension would cost him \$27,000 in regular pay plus any overtime that would be lost. He also testified that he would have to purchase health insurance during this time which would cost him several hundred dollars a month.

Neuhauser believes the whole case was a matter of "miscommunication and misunderstanding."

<b>Merit Board Docket #13-3</b>	<b>Trooper Marco A. Prado</b>	<b>Full Hearing</b>
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An order was entered by the Board dated October 17, 2014 following a hearing before Hearing Officer Terry Chiganos. **Prado was terminated from his employment.** The Board adopted the findings of fact and conclusions of the hearing officer and found Prado **guilty of Counts I, III, IV, V, VI and VII.**

In its Order, the Board found the conduct of Prado to be egregious, intentional, intolerable and a discredit to the Department. Furthermore, the Board found the conduct to be such a substantial shortcoming rendering continued employment with ISP detrimental to the work and image of ISP. In its Order, the Board considered the mitigating evidence including Prado's remorse, his counseling efforts, and his agreement to continue counseling if ordered. They also considered the fact that his tenure with ISP has been brief. The Merit Board noted the extraordinary patience of the Chicago Police Officer in the face of Prado's conduct. The Board found the evidence in mitigation did not overcome the evidence which formed the basis for discipline. The breach of integrity was serious. Prado has forfeited his right to employment.

The hearing officer's report included an audio/video tape of the incident of September 9, 2012. Chicago Police Department Officer Austin testified. Prado testified that he had two or three beers and he did not feel that alcohol influenced his behavior that evening.



He also testified that he reviewed the audio/video tape and it accurately depicted the events of the evening.

Prado agreed that his behavior reflected negatively on the State Police, that he misused his PBT for its intended purpose and that he engaged in obnoxious, offensive and unprofessional behavior. He also agreed he attempted to use his official position to avoid a ticket for speeding. He agreed he consumed alcohol while off-duty to the extent it discredited himself and the Department. He agreed he acted in an unreasonable manner so as to alarm or disturb another and provoke a breach of peace.

Prado admitted he told Officer Austin, "If you were not in uniform I would beat the fuck out of you." He agreed that he told Officer Austin he would beat his "fucking ass" right now if he was not in uniform and he admitted he told Officer Austin he would find out where he lives. He also agreed that he was aware it was illegal to threaten to inflict physical harm on someone.

Trooper Prado testified that he was not upset about the ticket Austin may give him but felt he was not given the respect he should have been given as a State Trooper when he was pulled over. He thought professional courtesy should have been shown to him.

Count I alleges Prado violated the laws of the United States and the State of Illinois in having committed the offense of felony intimidation when he threatened to inflict physical harm on Officer Austin and find out where he lives. **Guilty.**

Count II alleges that Officer Prado failed to truthfully answer questions posed during his administrative interview. **Not Guilty.**

Count III alleges Prado refused to obey a direct order from Officer Austin and his sergeant by refusing to get back in his vehicle and used profanity and engaged in other obnoxious and offensive behavior. **Guilty.**

Count IV alleges that Prado engaged in obnoxious and offensive behavior which discredited the Department. **Guilty.**

Count V alleges Prado violated a rule in which officers agree not to use their official position to avoid legal consequences. It was alleged that he attempted to use his official position to avoid a ticket for speeding. **Guilty.**

Count VI alleges Prado violated the rules of conduct in that he brought the State Police in disrepute. **Guilty.**

Count VII alleges Prado used ISP equipment for other than its intended purposes. Trooper Prado agrees he used the PBT for purposes other than official business. **Guilty.**

In aggravation is the unrebutted, uncontradicted, audio/video tape of the offense involving the traffic stop on September 9, 2012. Deputy Director Brian Ley, second in charge of the State Police, described the video as one of the most disturbing videos. He further describes the conduct of Prado as "an embarrassment to the uniform".

In mitigation, Prado claims that he was contrite and remorseful after the incident and has accepted responsibility for his actions. He claims his conduct was a one-time loss of control and totally out of character. Prado testified he has not had any problems on duty in the past while dealing with the public on a daily basis. Prado has sought help through various programs to address his situation. The psychologist he is seeing believes that alcohol was the significant contributing factor in his behavior.

In mitigation, Prado submitted 18 cases that addressed discipline received by other State Police Officers involved in misconduct to show he does not deserve to be terminated. These cases are not cited by the hearing officer nor are they summarized in the hearing officer's findings of fact. The cases can be found in the transcript.

<b>Merit Board Docket #13-1</b>	<b>Trooper Brian S. Hetrick</b>	<b>Settled Prior to Hearing</b>
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This is a decision by the Board dated January 23, 2013 suspending Trooper Hetrick for **45 days** pursuant to a joint motion for decision of the Board. The settlement agreement was signed by the parties and is attached to the decision. (The settlement agreement was not disclosed.)

Hetrick agrees that he at all relevant times held the rank of trooper and was assigned to inspections and audits. He has been employed by ISP since June 20, 2002.

On July 14, 2012 he was in Iowa and was stopped by a Sheriff's Deputy for operating an ATV while intoxicated. He produced his driver's license and Illinois State Police identification card and refused to complete the field sobriety test. He did a preliminary breath test which registered at .176, which is in excess of the .08 limit in Iowa.

Hetrick was transported to the county jail and asked the Sheriff to have the matter handled administratively rather than criminally. He told the Sheriff that the arrests could ruin his ISP career. He failed to comply with the additional testing at the jail. He did not notify his supervisor until three days after his arrest. His privilege to drive in Iowa was revoked for a period of one year on November 2, 2012 for failing to submit to a breath test.

The Settlement Agreement provides that Hetrick pleads guilty to the allegations of the complaint in Counts II through VI. Count II is a count alleging a failure to obey a state law which violates the Department's Rule of Conduct. Hetrick agrees he violated the rule on July 14, 2012 when he failed to conform to Iowa traffic laws, was arrested and was charged with operating while intoxicated, a misdemeanor offense.



Hetrick admitted to Count III which are the same facts but alleged that he violated the rule of conduct which does not permit officers to consume alcohol while off duty to the extent it results in impairment, intoxication or obnoxious and offensive behavior.

Count IV alleges the use of his official identification card to attempt to avoid consequences. Hetrick admitted to guilt of that count.

Count V is a violation of a rule of conduct which requires the officer to immediately notify his commanding supervisor in writing if he is the subject to an investigation or a criminal complaint. Hetrick admits he failed to obey that rule.

Count VI alleges that he brought the Department into disrepute by his actions. Hetrick admits he is guilty of that count also.

Count I was dismissed. That count alleges that he violated the rule of conduct which requires officers to uphold the laws of the United States and all state and federal laws in which the officer is present by driving a vehicle off duty while under the influence of alcohol.

Accordingly, the Settlement Agreement provided that in return for his agreement to admit guilt as to Counts II through VI Hetrick would be suspended for 45 days without pay. He also agreed he would undergo an alcohol abuse assessment by a counselor/treatment provider through the employee assistance program.

<b>Merit Board Docket #12-8</b>	<b>Trooper Howard Walton</b>	<b>Settled Prior to Hearing</b>
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This is a decision by the Board dated August 15, 2013, approving a joint motion for decision submitted by both parties. Trooper Walton was **suspended for 90 days** according to the terms of the settlement agreement, which is attached to the decision. (The settlement agreement was not disclosed.)

The Settlement Agreement provided that Walton agrees to plead guilty to Counts V, VI and VII and makes no admissions or responses to the remaining counts of the complaint.

The facts in support of each count state that Walton holds the rank of trooper and has been employed by the Department since 1988. On May 29, 2012, he was stopped by a Tinley Park Police officer while he was off duty driving a black Lexus that had been reported stolen. The registered owner was Candace Payne.

Walton reported that he had an agreement with Spearman to take over payments of the vehicle by making monthly deposits into Payne's account. Payne stated she had loaned the vehicle to Spearman and then reported it stolen when Spearman refused to give the Lexus back.

Payne was unaware that Walton had the vehicle although she was aware that money had been deposited into her bank. Walton brought the vehicle to the Tinley Park Bank and met with Payne at which time Payne signed a document refusing to press charges against Walton and accepted payment by Walton.

Walton never notified his supervisor that he was the subject of the Tinley Park Police Department's actions as required. Spearman is a convicted felon and has a lengthy criminal history. Spearman and Payne were former business partners. Spearman was the owner of Eminent Credit Services where Walton established his own business credit. Spearman told Walton he was going to prison and without Payne's consent or knowledge agreed to sell the Lexus to Walton. Walton took possession of the Lexus.

Walton received the Lexus from Payne at which time Walton told Payne that DII would probably contact her about the vehicle and she was not to tell them he had the vehicle back. Walton told another business associate of Spearman to "play dumb" and don't tell the police anything about the vehicle.

When DII interviewed Payne in August of 2012, Payne admitted that Walton had been in possession of the Lexus since early June. During Walton's administrative interview with DII in October of 2012, Walton did not tell the truth about the purchase.

Count V alleges Walton violated a department rule by associating with a felon. During the months of March through August of 2012, Walton entered into dealings with Spearman, a person he knew was a convicted felon. He entered into a written agreement with Spearman for the purchase of the Lexus, which required Walton to make monthly payments on the vehicle on behalf of Spearman.

In Count VI, it is alleged Walton interfered with an ongoing investigation. On June 4, 2012 Walton submitted a memorandum stating that he entered into a written agreement with Spearman for the purchase of the Lexus and submitted a bill of sale which indicated the sale was signed and completed on March 29, 2012. In fact, the bill of sale was created on or about June 6, 2012 and the signature was not that of Spearman. Also, between June and August of 2012, Walton instructed two witnesses to conceal information and provide false information to investigators with DII.

As to Count VII, it is alleged Walton failed to notify his supervisor that he was the subject of a police investigation. He violated this rule from May 29, 2012 to June 4, 2012 during which time he did not inform his supervisor in writing that he was under investigation by the Tinley Park Police Department for being in possession of a stolen vehicle.

In return for voluntarily admitting Counts V, VI and VII, ISP agreed to a 90-day suspension.



<b>Merit Board Docket #12-7</b>	<b>Trooper Zachary Peters</b>	<b>Settled Prior to Hearing</b>
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This is a decision of the Board dated April 19, 2013 entered as a result of a joint motion of the parties. Trooper Peters was **suspended for a period of 12 days** according to the terms of the settlement agreement attached to the decision. (The settlement agreement was not disclosed.)

The Settlement Agreement provides that Peters is a 12-year veteran with ISP. In 2007, he received the Department's Medal of Honor. In 2008, Peters received an ISP Life Saving Award and is currently a candidate for his second same award. In February 2012, he was assigned to the Special Enforcement Team working the midnight shift in the South Patrol of District Chicago.

Peters admits the charges as written in the August 22, 2012 Official Disciplinary Action Letter. That letter states that on February 4, 2012, Peters observed a vehicle commit a traffic violation. He then tried to conduct a traffic stop at which time the vehicle made a U-turn and fled the scene. Peters continued to follow the vehicle at a high rate of speed. His actions violated a department rule.

On February 4 Peters used a racial epithet while initiating the traffic stop. The words used by Peters and yelled were "fucking nigger". The comment was reasonably offensive, based on race, and constituted harassing conduct. The comment was captured on the video/audio recording equipment and was reviewed by his supervisor, Sergeant Spight, an African-American.

In addition to the suspension of 12 days, Peters also agreed to complete a cultural diversity training course through the EEO office.

<b>Merit Board Docket #12-6</b>	<b>Trooper Michael Hogan</b>	<b>Full Hearing</b>
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This is a decision of the Board dated August 26, 2013 on a Petition for Review. **Trooper Hogan was given a 15-day suspension by the Director. The suspension was reduced to 3 days by the Merit Board.**

A hearing was held before Hearing Officer Mark Mifflin. The hearing officer's recommendation and findings were made a part of the order of the Board. ISP failed to prove Count I, which is the most significant of the three charges.

Trooper Hogan has been a State Trooper since April 1999. His performance evaluations were good and included as exhibits.

This matter arises from Trooper Hogan's conduct on March 6, 2012. He was working as a canine officer. At a traffic stop, Hogan became suspicious and had his trained canine check the vehicle for drugs. The suspicious nature of the stop resulted in Hogan



using a drill in the floor of the vehicle. Hogan unintentionally punctured the gas tank of the vehicle. When the puncture was noticed, he stopped drilling and had the vehicle towed for repair.

Hogan admitted that he did not use the audio recording equipment at all times and also admitted he did not use a hands-free listening device when he transported the car's owner to the auto repair shop.

In Count I Hogan is charged with failing to make an arrest, search or seizure in accordance with the law and department procedures. In fact, the Department had no policy governing the use of the drill at the time of the incident. The hearing officer found that Trooper Hogan had reasonable suspicion to conduct the search and he had written and oral consent to conduct the search.

The hearing officer found that ISP cannot provide Trooper Hogan with a drill and then attempt to punish him for causing minor damage to a car when he uses the drill to investigate what he reasonably believes to be a hidden compartment in a car which he had permission and reasonable suspicion to search. **Not Guilty.**

Count II alleges that Trooper Hogan failed to use video/audio recording equipment in accordance with department procedures. Trooper Hogan admitted that he interrupted and stopped his audio recording. **Guilty.**

In Count III, Trooper Hogan is alleged to have failed to operate his vehicle in a careful and prudent manner and to obey all laws and department directives. Trooper Hogan admitted that he answered a phone call on his personal cell phone without using a hands-free listening device. **Guilty.**

<b>Merit Board Docket #12-5</b>	<b>Trooper David Roman</b>	<b>Settled Prior to Hearing</b>
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This is a decision of the Board dated October 22, 2012 on a joint motion for decision. A settlement agreement was signed by the parties and Trooper Roman was **suspended for 60 days**. The settlement agreement is attached to the decision. (A copy of the settlement agreement was not disclosed.)

The Settlement Agreement provides that Roman voluntarily admits to all the allegations of the complaint. Specifically, Roman agrees that on March 13, 2012, he disobeyed an order by his superior officer when he had his squad car windows tinted without prior approval.

In the complaint, it is also alleged that Roman received a 25-day suspension in 2011 for disobeying a direct order to wear his uniform hat when responding to a call for assistance. In 2010, Roman received a 4-day suspension for engaging in an improper vehicle pursuit and disobeying a direct order to terminate the pursuit.



This is a decision of the Board dated April 23, 2012 on a joint motion for decision. Trooper Horton was **suspended for 45 days** according to the terms of the settlement agreement which is attached to the decision. (The settlement agreement was not disclosed.)

The Settlement Agreement provides that Horton voluntarily admits all allegations of Count I and II in their entirety. The complaint states that Horton holds the rank of Trooper and has been employed by ISP since 1989. He was assigned to the Riverboat Gaming Command and worked as a Gaming Board Agent at the Aurora office on the Hollywood Casino Riverboat.

On June 24, 2011, his supervisor discovered he was no longer at work and had not been seen since 8 p.m. He was not authorized to leave work early. On June 25, 2011 Horton again left the casino prior to the end of his scheduled shift without authorization. As a result of these incidents, surveillance was conducted. Between June 24, 2011 and August 4, 2011, Horton left work an average of 2 hours early and up to 6 hours early on 10 separate occasions without authorization. Horton submitted time sheets for the months of July and August where he indicated he worked his entire shift on each of the 10 occasions when in fact he left early.

As a result of Horton's conduct, he violated the Department rule that requires he submit truthful reports and Count II which alleges he violated a Department rule which requires that he report to duty at the time and place required and not leave his assigned duty post during the tour of duty except with proper authorization.

This is a decision of the Board dated July 24, 2013 on a joint motion of the parties. Trooper Dixon was **suspended 180 days** according to the terms of a settlement agreement which was attached to the decision. (A copy of the settlement agreement was not disclosed.)

The Settlement Agreement provides that Dickson voluntarily admits to Count I as amended as well as Counts V and VIII.

The facts underlying that count state that on December 17, 2010, Dickson used his State-issued mobile data computer to run Tyrrell through the LEADS system to obtain John Tyrrell's criminal history and personal information. At the time, Dickson was not involved in any law enforcement action concerning Tyrrell and had no reason to run him. Furthermore, Dickson used his MDC to access internet information on October 15, 2009 for Attorney James Steed's Law Firm. On December 17, 2010 he made the LEADS inquiry to obtain information on John Tyrrell. Dickson admits that between the



dates of December 16, 2010 and March 11, 2011 he referred John Tyrrell, who was arrested by Trooper Hang for DUI, to James Steed, a local defense attorney, for representation on Tyrrell's pending DUI case.

By admitting these allegations, Dickson admits he committed a Class A misdemeanor according to Count I.

Dickson further admits to violating Count V which alleges a violation of a Department rule that states an officer will use the mobile data computer system in accordance with Department rules. Dickson admits he violated that rule on October 15, 2009 and December 17, 2010.

Finally, Dickson admits that he is guilty of Count VIII which alleges a violation of a Department rule that officers will not recommend or suggest the employment or procurement of a professional service. He violated this rule when he suggested that subjects arrested for DUI hire Attorney James Steed, a local defense attorney.

All other counts were dismissed by the Department in return for the agreement that Dickson would serve a 180-day suspension.

<b>Merit Board Docket #11-9</b>	<b>Special Agent Michael D. Fisher</b>	<b>Settled Prior to Hearing</b>
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This is a decision of the Board dated January 30, 2012 on a joint motion of the parties. Fisher was given **45 days suspension** according to the terms of settlement agreement which was attached. (A copy of the settlement agreement was not disclosed.)

The Settlement Agreement provides that Fisher will voluntarily admit to all the allegations of the complaint with respect to Counts I, II, III and IV. In return, he will receive a 45-day suspension and be reassigned to ISP District 11 at the rank of Trooper (he was a Special Agent) and "redline" of his ISP salary until the Trooper salary reaches that of his current Special Agent salary.

The allegations in the complaint which he admits are that Fisher was employed as a State Police Officer and holds the rank of Special Agent. He has been employed since 1998.

Fisher was involved in an undercover drug buy. The confidential source gave the suspect, Eric Cunningham, a ride to the apartment complex to buy the drugs. Cunningham did not purchase the drugs and tried to run from the scene. When he was accosted, Fisher pushed Cunningham into a ditch and hit him with his fist. Cunningham was not armed and posed no threat to the safety of others. Fisher also ripped Cunningham's pants and stomped on his torso.



When Fisher reported the matter in a signed memorandum, he failed to include the fact that he pushed Cunningham into a ditch by the side of the road. Consequently, Fisher was charged with incomplete reporting, failure to uphold the Constitution, mistreatment of a subject in custody and excessive force.

<i>Merit Board Docket #11-8</i>	<i>Trooper Steven Icenogle</i>	<i>Settled Prior to Hearing</i>
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This is a decision of the Board dated January 30, 2012 on a joint motion of the parties. Icenogle agreed to a **45-day suspension** according to the terms of a settlement agreement which is attached. (A copy of the settlement agreement was not disclosed.)

Icenogle holds the rank of Trooper and is assigned to patrol duties in East Moline. He has been employed by the Department since 1997.

The Settlement Agreement provides that Icenogle will voluntarily admit to all the allegations in the 3-count complaint.

The complaint alleges that on May 15, 2011, Icenogle was involved in a vehicle crash with his state vehicle. He reported the incident but did not accurately portray the damage. He indicated the damage was minor and cosmetic. When the damage was viewed, it was found to be more serious.

Initially, Icenogle reported the damage was done in his driveway but later admitted that he had backed his squad car into a guard rail. The damage to the squad car was in excess of \$1,000.

In addition, Icenogle failed to renew the registration on his pickup truck in order to save money on the registration. Icenogle's conduct violated the rules of conduct in that he made a false statement, failed to truthfully answer questions of his supervisor and failed to perform his duties in a manner that will maintain the highest standards of efficiency.

<i>Merit Board Docket #11-7</i>	<i>Trooper John Morscheiser</i>	<i>Settled Prior to Hearing</i>
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This is an April 23, 2012 decision by the Board pursuant to a joint motion of the parties. Morscheiser was **suspended for 4 days** according to the terms of a settlement agreement which was attached to the decision. (A copy of the settlement agreement was not disclosed.)

Morscheiser is a Trooper assigned to District 17. He has been employed with ISP since 2004.

The Settlement Agreement provides that Morscheiser admits that on February 19, 2011 he engaged in conduct which was not in keeping with the highest standards of law



enforcement. While off duty at the Edge's Tap Bar in Peru, Illinois, he interceded in an argument and struck an employee of the Bar in the face, leaving the premises without making an arrest or documenting the incident. These actions brought the Department into disrepute.

Secondly, Morscheiser admits he failed to take appropriate action on the occasion of a crime while off duty on February 19, 2011 which constitutes misconduct in the form of unsatisfactory performance.

The Department did not proceed with Count I of the complaint which alleges the criminal offense of battery, a Class A Misdemeanor. Count I alleges that Morscheiser violated a rule of conduct when he did not uphold the laws of the State of Illinois and committed the crime of battery.

<i>Merit Board Docket #11-6</i>	<i>Trooper Brandi Yocum</i>	<i>Settled Prior to Hearing</i>
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This is an October 21, 2011 decision of the Board based on a joint motion of the parties. Yocum was given **100 days suspension** according to the terms of a settlement agreement which is attached to the decision. (A copy of the settlement agreement was not disclosed.)

The Settlement Agreement provides that Yocum voluntarily admits to all the factual allegations of the complaint and she is deemed to have violated three rules of conduct including attempted obstruction of justice (a Class A Misdemeanor), failed to audio record the initial stop or any second stop of Christopher Tromp and failure to take appropriate enforcement action on the occasion of a crime.

Specifically, Yocum is a trooper assigned to District 14 and works patrol. She has been employed by the Department since 2007.

All of the charges stem from Yocum's actions on May 10, 2009. On May 10, 2009, Yocum was on duty working patrol. She stopped a pickup speeding which was driven by Christopher Tromp. She issued three citations for speeding, for driving while license revoked and for driving an uninsured vehicle. She allowed Tromp to drive away from the scene after determining that none of his passengers were legally able to drive the vehicle.

Yocum failed to audio record the initial stop or any portion of the second stop. When she stopped Tromp the second time, she returned his driver's license and asked him the name of the company that owned the vehicle he was driving. She did not include that information on the second stop of her field report. In fact, Yocum reported that she had released the vehicle and it was removed from the scene by a valid driver knowing that the statement was false. Because of the false statements, the citations issued were dismissed by the State's Attorney.



Yocum pled guilty to the offense of attempted obstruction of justice which is a Class A Misdemeanor. She was sentenced to 9 months conditional discharge and a \$500 fine.

During the administrative interview conducted by DII, Yocum made full disclosure.

<i>Merit Board Docket #11-5</i>	<i>Special Agent Timothy E. Brown</i>	<i>Settled Prior to Hearing</i>
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This is a decision of the Board dated October 21, 2011 on a joint motion of the parties. Brown was given **60 days suspension** according to the terms of a settlement agreement which is attached to the decision. (A copy of the settlement agreement was not disclosed.)

The Settlement Agreement provides that Brown admits to each charge of the complaint. He admits that he is currently a Special Agent assigned to Zone 7 and has been employed by the Department since 1999.

On March 26, 2010 Brown arrived at the School House Strip Club in Neoga, Illinois celebrating the 50<sup>th</sup> birthday of his first cousin. He admits he consumed multiple alcoholic beverages. He admits that a physical altercation occurred between the strip club employees and Brown's group and that Brown grabbed Terry Parker, who was not identified as a bouncer, and put his arms around Mr. Parker's neck. He admits that a Lakeland Community College Police Officer responded to the scene and was led to believe that Brown was not involved in the physical altercation which lasted approximately 15 minutes.

As a result of the altercation, the hand rail as well as tables and chairs were damaged. Brown did not document the use of force that he used during the altercation. Brown was charged with two counts of felony aggravated battery for his conduct on March 26, 2010.

In February 2011 the two felony counts were dismissed and Brown was charged with reckless conduct. He was found guilty and served 6 months court supervision along with a court-ordered payment of \$1,213.61 and fines and costs of \$250. Reckless conduct is a Class A Misdemeanor.

Brown admits he violated the rules of conduct by being found guilty of the Class A Misdemeanor. He admits he violated the rules of conduct by not documenting his use of force and consuming alcoholic beverages to the extent that he brought discredit upon the Department. He admits he also violated the rules of conduct by not maintaining a level of conduct in his personal affairs in keeping with the highest standards of the law enforcement profession. Finally, Brown admits he failed to notify his command in writing regarding the incident of March 26, 2010 until 2 ½ days after the incident.



Count IV was dismissed which alleges that Brown used his official position to avoid consequences of his illegal acts.

<b>Merit Board Docket #11-4</b>	<b>Special Agent Pete Goodman, Jr.</b>	<b>Settled Prior to Hearing</b>
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This is a July 11, 2011 decision of the Board on a joint motion of the parties. Goodman was **suspended for 90 days and voluntarily transferred as a Special Agent to the Medicaid Fraud Unit in Collinsville, Illinois** according to the terms of the settlement agreement, a copy of which is attached to the decision. (A copy of the settlement agreement was not disclosed.)

The Settlement Agreement provides that Goodman voluntarily admits to the allegations of Counts I and II. The remaining Counts III, IV and V were dismissed.

The facts in the complaint admitted by Goodman indicate that Goodman was a Special Agent assigned to DII in Collinsville. He has been employed by ISP since 2000.

On September 20, 2010, Goodman's wife and his parents went to the Police Department to report a domestic incident that occurred at the Goodman residence. Goodman's father informed the officers he received a call from his son stating he was going to lose his job, his life was over so he might as well kill himself. Goodman made the statement after being informed by his wife that she had decided to file for divorce.

Following an argument, Goodman kicked his wife, children and parents out of the residence. When questioned, Goodman's wife indicated that on September 4, 2010, Goodman struck her 3 times when they attended a wedding reception, once while driving and twice after they returned to their home. Goodman also directed his wife to take off her clothes and to have sexual intercourse with him after he hit her.

Count I is admitted as a violation of bringing the Department into disrepute. Goodman admits to Count II which is the domestic battery count, a violation of state law.

<b>Merit Board Docket #11-3</b>	<b>Special Agent Dimitrios "Jim" Tsambikou</b>	<b>Full Hearing</b>
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This is an August 27, 2012 decision of the Board following a hearing before Hearing Officer Terry Chiganos in which the Merit Board **suspended Tsambikou for 30 days** from his employment. The Board adopted the findings of fact and conclusions of law of the hearing officer.

Tsambikou was charged with 4 counts of misconduct. The Board found that Tsambikou was untruthful during two administrative interviews when questioned by superior officers, failed to report for duty as assigned on April 7, 2010 and failed to submit a truthful report of his activities on April 7, 2010 as requested.



Count I alleges Tsambikou failed to truthfully answer questions at two administrative interviews regarding his activities of April 7, 2010. The parties agreed that Tsambikou was assigned a work shift of 8 a.m. to 4 p.m. on April 7, 2010. He testified that he worked the regular shift that day and even requested additional work time. However, his sergeant testified that he drove by Tsambikou's home at 9 a.m. that morning and observed the police car at the home. He did not see Tsambikou anytime until he left a little before 3 p.m. The sergeant again drove by Tsambikou's residence and saw the vehicle in the exact same spot with no evidence that it had been moved.

Tsambikou told his Master Sergeant that it was not possible for his vehicle to be seen at home because he was at the office. There was no evidence that Tsambikou registered to go on duty on April 7, 2010. The investigation showed that Tsambikou was not logged in on duty on April 7, 2010.

During both administrative interviews, Tsambikou maintained that he did work April 7, 2010 leaving his house at 8 a.m. and working in the field and visiting several courthouses. He gave vague, incomplete and inconsistent statements at the interviews but was very clear of his activities at the time of the hearing. Tsambikou claimed that he started working on his electronic ethics training on April 7 when the record showed he did not start his training until April 9, 2010. The hearing officer found that Tsambikou's testimony was not believable. A total review of the records supports the charge that the respondent was not truthful in his administrative interviews. **Guilty.**

Count II alleges that Tsambikou did not answer all questions directed to him. **Guilty.**

Count III alleges Tsambikou violated a rule of conduct that requires officers to report for duty at the time and place required and not leave their assigned post during their tour except when authorized by proper authority. **Guilty.**

Count IV alleges Tsambikou violated the rule that officers will submit all necessary reports on time and in accordance with department procedures and they must be truthful and complete. **Guilty.**

In mitigation, Tsambikou is a 17-year employee with no prior disciplinary record. In aggravation, First Deputy Director Garcia testified that termination was warranted because the untruthful statements damaged Tsambikou's integrity and credibility and impedes his ability to be an effective police officer. Garcia admitted that he was not aware of any trooper or sworn employee who was terminated for untruthfulness.

Tsambikou presented a motion for a directed finding which was denied. Tsambikou filed a motion for a protective order which was also denied. Tsambikou also filed a motion for attorney's fees, expenses and costs which was denied.

This is a Board decision dated January 30, 2012 on a joint motion of the parties. Wise was given a **30-day suspension** pursuant to the terms of the settlement agreement which is attached. (A copy of the settlement agreement was not disclosed.)

Wise agrees that he's been employed by the Department since 2001 and currently holds the rank of Master Sergeant. He was assigned to Zone 6 investigations in Collinsville.

Wise volunteered to supervise a sex offender compliance check on August 31, 2010. Wise left his detail for over an hour and thirty minutes while the officers reporting to him had to conduct compliance checks in his absence. Wise was assigned to this detail as part of a federally-funded Hire Back Program.

It was agreed that Wise would be suspended for 30 days and he will be prohibited from participating in any federal Hire Back Program for a period of 2 ½ years from the date of the execution of this program. It was also agreed that Wise would dismiss any claims filed with the ISP EEO office, the U.S. EEO and the IDHR that arose from the allegations contained in this action.

This is a decision of the Board dated July 11, 2011 on a joint motion of the parties. Roscetti was given a **20-day suspension** according to the terms of the settlement agreement which is attached to the decision. (A copy of the settlement agreement was not disclosed.)

The Settlement Agreement provides that Roscetti currently holds the rank of Master Sergeant. He has been employed by ISP since 1986. He has no significant disciplinary history.

Roscetti voluntarily admits to each charge of the Official Disciplinary Action Letter dated October 8, 2010. He admits to all allegations in Charges I and II and ISP voluntarily dismisses Charge III.

The events of this official disciplinary action involve matters that occurred on April 16, 2010. At that time, he served as a rater for the Sworn Promotional Rating Session within District 9. Roscetti failed to meet with each of his subordinate raters prior to the rating session to personally discuss the work sheet as required. He also disobeyed orders from his superior when he was instructed to conduct face-to-face meetings with each ratee to discuss their worksheet prior to the rating session.



The original discipline was a 30-day suspension. Pursuant to an agreed settlement, the parties agreed to a 20-day suspension.

<i>Merit Board Docket #10-6</i>	<i>Trooper Brett Lane</i>	<i>Settled Prior to Hearing</i>
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This is a January 24, 2011 decision of the Board on a joint motion of the parties. Lane was given a **100-day suspension** according to the terms of the settlement agreement which is attached. (A copy of the settlement agreement was not disclosed.)

The Settlement Agreement provides that Count I is dismissed. As to Count II and III, Lane admits to all the allegations of the complaint.

Lane admits that he violated the rules of conduct by submitting a memorandum to his district commander dated December 18, 2009 wherein he denied any knowledge that his sister possessed or was drinking alcohol while at a function. This statement was incomplete and not truthful. He admits that he violated the rules of conduct which requires officers to keep the highest standards when on December 12 he attended a social function with his sister, who is 19 years of age, and allowed her and others to consume alcohol.

<i>Merit Board Docket #10-5</i>	<i>Trooper Raymond B. Kurut</i>	<i>Settled Prior to Hearing</i>
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This is an October 15, 2010 Board decision on a joint motion of the parties. Trooper Kurut was **suspended for 25 days without pay with mandatory diversity training as directed by the ISP EEO office**. The joint motion is attached to the decision. (A copy of the joint motion was not disclosed.)

The Settlement Agreement provides that Kurut admits to all allegations of the one count complaint. Kurut agrees that he is a Trooper assigned to District 15 and has been employed by the Department since 2008.

On October 31, 2009, Kurut used derogatory language toward another trooper who was an African-American. His language offended the African-American trooper and this violated the rules of conduct. This conduct created an intimidating, hostile and offensive work environment.

<i>Merit Board Docket #10-4</i>	<i>Trooper Johnathan Randle El</i>	<i>Settled Prior to Hearing</i>
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This is an October 15, 2010 decision of the Merit Board on a joint motion of the parties. Randle El was given a **100-day suspension** without pay. He may utilize 30 days of accumulated time off, other than sick time, in partial satisfaction of the suspension, in



lieu of days off without pay. The joint motion is attached to the decision. (The joint motion was not disclosed.)

The Settlement Agreement provides that ISP dismisses Count I. Randle EI voluntarily admits to all the allegations of Count II.

Randle EI is a Trooper assigned to District Chicago. He has been employed by ISP since 2001.

On March 8, 2009 Randle EI and his wife became involved in a heated verbal argument at which time he threw a deodorant bottle. Randle EI's stepson became involved and Randle EI pulled the chair out from under the stepson at which time he pushed the stepson down the stairs and the stepson struck his head against the wall. Randle EI also shoved his wife's face in a half gallon of ice cream. Randle EI's wife signed complaints against Randle EI for domestic battery.

When asked about the events during a DII investigation on June 18, 2009, Randle EI denied he threw a deodorant bottle and denied pulling a chair out on March 8, 2009. These actions brought the Department into disrepute.

<b>Merit Board Docket #10-1</b>	<b>Captain Cheryl A. Born</b>	<b>Settled Prior to Hearing</b>
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The Board approved an Agreement of the parties for discipline on April 26, 2010. Born received a 31-day suspension. This decision was entered after the Board remanded the case requesting additional information from the parties. The parties submitted an amended complaint containing allegations of misconduct and the mitigating factors of the case.

Born agreed her actions were inconsistent with the duties and responsibilities of a District Commander. She has an exemplary record of service, she accepted responsibility for her actions and **Born received and accepted a re-assignment of her duties.** She agreed to a **31-day suspension** and this was approved. (The Settlement Agreement of the parties was not produced.)

The Settlement Agreement in this case is titled "Complaint – Requesting Issuance of Discipline Pursuant to Agreement". This "complaint" provides that Born is a State Police Officer currently holding the rank of Captain. She has an adjusted seniority date of May 14, 1987. At all times relevant, she was assigned as the Commander of District 21 in Ashkum.

On July 26-28, 2009, Born attended an out-of-state FBI conference while on state time, without prior notification or authorization from her superiors. She did not correctly reflect her work schedule and time off codes for the months of July, August and September 2009. Her lack of presence at the District has negatively impacted the unit.



Born admits that her conduct violated several department rules including the following:

- Conduct unbecoming an officer.
- Failure to report for duty/competency.
- Reports will be truthful/computer entries.
- Supervisors will be responsible and accountable for the maintenance of discipline and provide leadership, supervision and example to ensure the efficiency of department operations.

The complaint filed against Born indicated that between January and September, 2009, Born was frequently absent from the District during her regular working hours and she did not accurately report her work. Between July 1, 2009 and September 17, 2009, Born failed to correctly reflect her work schedule and time off codes. On July 26-28, 2009 Born attended an out-of-state FBI conference while on state time without proper notification or proper authorization. On September 11, 2009 she failed to attend the Region 2 COPS meeting.

The "Attachment to Misconduct Allegation Settlement Agreement" indicates that Born has had an extensive career with the Department free of any other serious allegations of misconduct and has accepted responsibility for her actions. The Department agrees that Born will receive a **31-day suspension and be re-assigned to Communications Service Bureau, Region 1 Manager.**

<b>Merit Board Docket #09-12</b>	<b>Trooper Michael Lopez</b>	<b>Full Hearing</b>
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This is a January 24, 2011 decision of the Board following a hearing before Hearing Officer Mark Mifflin. The Hearing Officer's recommended findings of fact and conclusions of law were adopted by the Board. The Board **suspended Lopez for 60 days.**

The allegations of the complaint relate to Trooper Lopez' actions during the night of July 31, 2008 and the morning of August 1, 2008. Lopez consumed alcoholic beverages before driving his personal vehicle and rear-ending a vehicle in Grays Lake, Illinois. Lopez' driving, while intoxicated, resulted in the crash. No one was injured in the crash.

On June 12, 2009, Lopez was found guilty in Circuit Court of driving under the influence of alcohol. The motion to strike the results of the breath test was denied and the breath test was admitted.

The Hearing Officer's findings are as follows:

- a. Count I: Driving under the influence of alcohol. **Guilty.**

- b. Count II: This count alleges Lopez violated a rule when he was found guilty by the Circuit Court on June 12, 2009. However, the violation of this rule does not constitute a separate violation since Trooper Lopez has already been found guilty of the allegations in Count I. **Not Guilty.**
- c. Count III: This count alleges Lopez violated Illinois law, a Class A misdemeanor by driving under the influence of alcohol. **Guilty.**
- d. Count IV: It is alleged Lopez drove under the influence of alcohol and was placed on court supervision which violates the highest standards of the law enforcement profession and caused the Department to be brought into disrepute. **Guilty.**

In its Order, the Board considered both aggravating and mitigating evidence. The Board found particularly persuasive the fact that Lopez admitted the details of his drinking which led to the accident and the criminal charge. Lopez also sought help through the employee assistance program, participated in counseling, demonstrated remorse for his actions and has remained sober since the accident.

<b>Merit Board Docket #09-11</b>	<b>Trooper Jeffrey M. Gagen</b>	<b>Full Hearing</b>
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This is a Sept. 3, 2010 decision of the Board following a full hearing before Hearing Officer Mark Mifflin. The Board adopted the findings of fact and conclusions of law made by the Hearing Officer. **Trooper Gagen was terminated from his employment by the Board.**

The findings of fact show that all the allegations relate to the actions of Gagen during the night of October 20-21, 2008. Gagen purchased and drank alcohol before driving erratically and in the wrong direction on Interstate 64. His driving resulted in a crash with another vehicle. He was found guilty in Circuit Court of driving under the influence of alcohol.

- a. Count I: This count alleges failure to follow a lawful directive of a superior. It was found that the rule only authorizes the Department to require alcohol testing for conduct which occurs while on duty. Therefore, when Trooper Gagen refused to take a breathalyzer test, his superior's order was not lawful because he was off duty. **Not Guilty.**
- b. Count II: It is alleged that while off duty, Gagen was under the influence of alcohol. **Guilty.**
- c. Count III: It is alleged Gagen violated a rule when he committed the offense of driving under the influence of alcohol, a Class A misdemeanor. This is not



a separate offense from the previous count and therefore is not a separate violation. **Not Guilty.**

- d. Count IV: It is alleged Gagen failed to maintain a valid driver's license when his license was suspended for more than 60 days. **Guilty.**
- e. Count V: It is alleged that while off duty Gagen consumed alcoholic beverages to the extent that such consumption resulted in impairment and intoxication. **Guilty.**
- f. Count VI: It is alleged Gagen failed to maintain the highest standards of the law enforcement profession and brought the Department into disrepute. **Guilty.**
- g. Count VII: It is alleged Gagen's conduct was unbecoming of an officer. **Guilty.**

In aggravation, Director Monken testified that termination is appropriate in this case. Monken admitted he had not reviewed Gagen's record but any officer should be held accountable for a DUI and terminated.

In mitigation, witnesses were called and testified that Gagen is a good trooper, an exemplary employee and a dependable leader. Gagen has expressed sorrow and remorse for the mistakes he made. Gagen received high scores annually on his performance evaluations and promotional skills evaluations. Employees under similar circumstances have not been terminated.

The Board considered both mitigating and aggravating circumstances. Mitigating factors include his remorse and prior good service. Aggravating factors include the intentional and continual consumption of alcohol over several hours and in different locations to the point of "blacking out" while driving. Furthermore, Gagen engaged in erratic driving and driving the wrong way on the interstate. His head-on collision with another vehicle resulted in injury to that driver and property damage. Gagen attempted to conceal the alcohol or evidence of alcohol at the scene. Gagen failed to promptly check on the welfare of the victim of a crash he caused while driving under the influence of alcohol.

<b>Merit Board Docket #09-9</b>	<b>Trooper Calvin Dye</b>	<b>Settled Prior to Hearing</b>
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This is an April 19, 2010 decision by the Board on a joint motion by the parties. Dye was **suspended for 105 days.** (A copy of the settlement agreement was not disclosed.)



The Settlement Agreement provides that Dye has been employed by the State Police since 2004 and currently holds the rank of Trooper. He is assigned to District 11, Collinsville and works patrol.

Dye admits to all the allegations of Counts II, III, IV, V, VI and VII. The Department agrees to dismiss Count I.

On January 2, 2009, Dye made a traffic stop of a black Lincoln. He failed to notify communications of the traffic stop. When he approached the vehicle and asked the driver for the keys, the driver accelerated and fled the scene. Dye took off after the black Lincoln at a high rate of speed with his emergency lights and emergency siren activated. He manually deactivated his in-car video camera. At no time did Dye notify communications he was involved in a pursuit.

The black Lincoln struck another vehicle approximately one mile from the scene. The driver fled on foot. Dye notified the Centreville Police Department of the crash and failed to inform the police officer he was pursuing the black Lincoln minutes before the crash. Dye located cannabis in the black Lincoln at the scene of the crash and turned it over to law enforcement. When Dye submitted his field report concerning his assistance of the Centreville Police Department, he failed to mention the traffic stop and pursuit.

On June 24, 2009, Dye was interviewed by DII. He told DII that he did not pursue the Lincoln and did not accelerate nor did he have his lights or siren on while following the Lincoln. He admits that he did not call in the vehicle after it fled and that he manually shut off his camera.

Dye admits that he filed an untruthful field report. He admits he improperly used his video equipment when he deactivated the camera. He admits that failing to advise communications of the traffic stop and his pursuit brought the Department into disrepute. He admits that this failure also was unsatisfactory job performance. He admits his pursuit of the vehicle was an improper operation of his vehicle. He finally admits that his conduct on January 2, 2009 was conduct unbecoming an officer.

<i>Merit Board Docket #09-8</i>	<i>Trooper Robert Swift</i>	<i>Settled Prior to Hearing</i>
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This is an April 19, 2010 decision by the Board on a joint motion by the parties. Trooper Swift was **suspended for 150 days**. (A copy of the settlement agreement was not disclosed.)

The Settlement Agreement provides that Swift admits to all allegations of Count I, II, III, IV and V. Count I is untruthful reports, Count II is unsatisfactory performance, Count III is conduct unbecoming an officer, Count IV is failure to use audio/video equipment and Count V is unauthorized absence.



The complaint stems from an incident that occurred on October 25, 2008. At that time, Swift was a Trooper assigned to District Chicago. He had been employed by ISP since 1989.

On October 25, 2008 Swift was assigned a squad car and while enroute to work had a flat tire and broke a control arm. He arranged for a tow. The tow truck driver observed damage near the front passenger side of the squad car and the car was not able to be driven to the obvious damage caused by an accident. Earlier that day, three vehicles legally parked had been damaged by a hit-and-run vehicle. Swift admits he did not tell the truth about the accident he was involved in.

Swift was indicted in Kankakee for obstructing justice, a Class 4 felony based on his conduct. He was also issued 8 traffic citations. He was temporarily relieved of duty. Criminal charges remain pending.

In 2010, Swift received a 150-day suspension for conduct unbecoming an officer, unauthorized absence, unsatisfactory performance, untruthful reports and failure to use audio/video equipment as required by ISP policy. Furthermore, on June 8, 2004, he received a 90-day suspension for conduct unbecoming an officer, unsatisfactory performance, untruthful reports and failure to conform to other ISP policy. In 2009, he received a 2-day suspension for failure to remain awake on duty. In 2008, respondent received a letter of reprimand for a pursuit policy violation.

<b><i>Merit Board Docket #09-7</i></b>	<b><i>Trooper Lyle Hicks</i></b>	<b><i>Full Hearing</i></b>
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This is an October 28, 2010 decision by the Board after a hearing before Hearing Officer Mark Mifflin. The Board accepted the findings of fact and conclusions of law made by the Hearing Officer. The Board imposed a penalty of **180 days suspension**.

The charges stem from one incident in which Hicks drove his State-issued squad car on October 17-18, 2008 while under the influence of alcohol and off duty. Hicks' driver's license was suspended for 6 months by a court.

The Board found that Hicks consumed alcohol on October 17, 2008 to the extent that it resulted in impairment or intoxication that discredited him and the department. In mitigation, the Board found that Hicks' conduct did not rise to the level that it rendered Hicks continued employment with the Illinois State Police so detrimental that termination was required. Hicks has had long service to the department, he had past good evaluations by his superiors and no prior history of discipline before the Board. Finally, Hicks admitted to his drinking and testified under oath that he has not had a drink since the incident of October 17, 2008, a period of almost two years.

The hearing officer's findings of fact included information that the reason Hicks was driving the State-issued car on October 17, 2008 was because his personal vehicle

would not start. He was picking up his wife at the time he was involved in the motor vehicle accident and thereafter was arrested for DUI. Hicks was involved in a one-car accident. Hicks ended up in a ditch.

Based on a plea agreement, the DUI charge was dismissed by the Judge and Hicks stipulated that he failed to reduce speed to avoid an accident. He was placed on court supervision for one year and his driver's license was suspended for 6 months. The hearing officer did find that Hicks was driving under the influence of alcohol at the time of the accident.

Count I was dismissed because the orders given to Trooper Hicks by his superior to consent to a breathalyzer were without support in the disciplinary rules because Trooper Hicks was off duty. **Dismissed.**

Count II alleged Hicks drove his State-issued vehicle while under the influence of alcohol. **Guilty.**

As to Count III, it is alleged Hicks had his driver's license suspended under the statutory summary suspension provision of the law when he was arrested for driving under the influence of alcohol and refused to take a breath test. **Guilty.**

As to Count IV, it is alleged Hicks' behavior was offensive and discredited the Department. **Guilty.**

As to Count V, it is alleged Hicks failed to keep the highest standards of the law enforcement profession. **Guilty.**

Count VI alleged that Hicks' actions in operating the squad car after consuming alcohol and refusing to take the breathalyzer test and thereafter pleading guilty to failure to reduce his speed to avoid an accident reflected unfavorably on the Department. The incident was reported in the newspapers and was public in the court proceedings. Therefore, Hicks' actions reflected unfavorably on the Department and discredited the integrity of the Department. **Guilty.**

In aggravation, Director Monken testified that it is the policy of ISP to recommend termination in a case involving driving under the influence of alcohol. The Director testified that such action on the part of Hicks brought the Department into disrepute and reflects poorly on the Department. The Director further stated that the Board should not consider Hicks' work history and prior disciplinary record.

In mitigation, Hicks testified that he can still perform his duties. He has a long work history with good evaluations. He has a relatively clean disciplinary history. He cited 9 similar cases in which other State troopers were not terminated from employment. Finally, he indicates that he has not had a drink since this accident.



This is an April 26, 2010 decision made by the Board on a Petition for Review. **Culp was suspended by ISP for a period of 30 days.** A hearing was held. The Board adopted the recommendations of Hearing Officer Mark Mifflin. The Board found some of the allegations were not proven. **The Board reduced the penalty imposed by the Director and suspended Culp for 5 days.**

The Board found that ISP proved that Culp retaliated against Sgt. Tracy for filing a ratings challenge. ISP did not prove that Culp's assignment of Sgt. Gordon was retaliatory. The Board also found that Culp's submitting the ratings response on Tracy did not interfere with the efficient operation of the Department since ISP's Equal Employment Opportunity Program Manager advised both sides in their action relative to the ratings challenge.

The hearing officer notes that Director Monken suspended Culp for 30 days for two different reasons. The first reason is that Culp retaliated against Tracy after he challenged the promotional skills evaluation issued by Culp in August of 2008. The second reason is that Culp interfered with the leadership, supervision and example of Zone 6 investigations and the efficient operations of the Department.

Susan Culp is a lieutenant with ISP. She was the supervisor of Master Sergeant Chris Tracy and was responsible for his performance evaluations. She rated a significant drop in his performance evaluation from 2007 to 2008. Tracy challenged the 2008 evaluation. The hearing officer found that Culp provided information in her ratings' challenge response in an effort to discredit Tracy and justify his lower scores. Culp included information from outside the specific ratings in order to question Tracy's motivation and character.

Tracy was assigned additional training with MEGSI, an investigation unit primarily concerned with undercover drug buys. This was remedial training for Tracy because of Tracy's inexperience. Culp was definitely involved in sending this recommendation up the chain of command which resulted in this reassignment.

In Tracy's absence, Sgt. Gordon was temporarily assigned to the unit. It is unclear whether Culp had any direct involvement in the reassignment. Tracy testified that supervision of Gordon in his absence hurt his reputation and left the impression he was not properly supervising his unit.

The hearing officer found that Suzanne Bonds, the EEO officer with ISP, gave advice to both Tracy and Culp and this presented a conflict. Bonds should not have been put in the position of attempting to objectively evaluate Culp's actions after Tracy filed his EEO intake questionnaire.



The hearing officer found that Culp retaliated against Tracy on the basis of the ratings' challenge. Tracy was involved in protected activity when he challenged the ratings and had a reasonable basis upon which to make that challenge. This is based on specific findings wherein Culp interviewed three special agents within one day of the ratings' challenge. Furthermore, within days of the ratings' challenge, Tracy was reassigned to training at MEGSI. However, it is not reasonable to contend that the assignment of Gordon to supervise Tracy's unit in his absence, hurt his reputation and undermined the perception of him as a supervisor.

With regard to Culp's ratings' challenge response, it is clear that it was done in an effort to undermine and discredit Tracy in order to justify the lower evaluation scores. Culp went overboard in responding to the challenge. It is reasonable to believe that her actions in compiling the response were retaliatory in nature.

There was no evidence presented to show that the submission of the ratings' challenge response had any effect on the efficiency of department operations. Therefore, the department failed to prove the second allegation made against Culp.

There was no evidence offered in aggravation or mitigation.

<b>Merit Board Docket #09-4</b>	<b>Senior Agent Bradley S. Becker</b>	<b>Full Hearing</b>
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This is a January 26, 2010 decision of the Merit Board following a hearing before Hearing Officer Jane Denes. Becker represented himself. The Board adopted the findings of fact and conclusions of law of the hearing officer. **The Board discharged Becker.**

It is alleged that Becker possessed 11 counterfeit prescriptions for Hydrocodone/Vicodin between January 9, 2008 and April 3, 2008. Becker pled guilty in court to 3 counts of the offense, including a Class IV felony on January 5, 2009.

Becker testified that he created prescription forms on his Department-issued laptop for Vicodin and identified Dr. Osborne as the physician. Becker then testified he took the prescriptions to the pharmacy knowing they were counterfeit prescriptions for a controlled substance. He submitted 11 counterfeit prescriptions between January of 2008 and the beginning of April 2008. He pled guilty to 3 counts of unlawful possession of prescription forms.

Becker testified he did remember identifying his State Police status to the employee of Dr. Osborne. He testified he told Dr. Osborne that he had forged some prescriptions in his name. He did not specifically ask Dr. Osborne to back-date the prescription but did ask Dr. Osborne to let him have the prescriptions.



Becker agreed he brought the Department into disrepute and his conduct was unbecoming of an officer. He admitted he illegally possessed prescription forms for Vicodin and used the counterfeit prescription forms to obtain the Vicodin. Becker admitted he used the State-issued laptop computer to create the prescriptions.

**Col. Garcia testified that he was unaware of any convicted felons being employed by the Illinois State Police.** Garcia testified that discharge was appropriate because Becker was charged with felonies, pled guilty and was convicted of felonies.

<b>Merit Board Docket #09-2</b>	<b>Trooper Dirk E. Butler</b>	<b>Settled Prior to Hearing</b>
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This is a November 3, 2009 decision of the Board based on a joint motion by the parties to **suspend Butler for 45 days**. (The Settlement Agreement was not disclosed in the request.)

The joint motion of the parties provides that the parties stipulate that Butler is a trooper with the Illinois State Police assigned to the Motorcycle Enforcement Bureau, the Northwest Platoon.

Butler admitted in a court order (Order of Protection) on May 9, 2008 that there was an exchange of personal property at the residence of Bridgit Schwartz, who was Butler's ex-fiancée. He admits the order provided he was not to be within a three mile radius of Schwartz' home. He admits he willfully disregarded the court order on May 11, 2008.

Butler failed to notify his commanding officer about the circumstances of the violation of the May 9, 2008 court order. A contempt hearing was held on June 16, 2008. Butler failed to notify his commanding officer in writing concerning the contempt hearing. As a result of the contempt hearing, Butler was found to be in civil contempt for failing to obey the terms of the May 9, 2008 court order. He was sentenced to three days in the Knox County jail. However, the sentence was stayed on the condition that he pay Schwartz' attorney fees. Butler complied with payment and was not jailed.

Butler agrees that he violated the State Police directive which require officers to uphold the state laws. This directive also states that if an officer pleads guilty or stipulates to facts that support a punitive measure, such action will be prima face evidence of a violation of this directive. Butler also admits that he violates the rule that officers will immediately notify their commanding officer if the officer is the subject of an investigation or a criminal complaint.

<b>Merit Board Docket #09-1</b>	<b>Special Agent Holbert R. Boyles III</b>	<b>Settled Prior to Hearing</b>
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This is a November 3, 2009 decision of the Board approving the joint motion for a decision submitted by both parties. The Board approved the **suspension of Boyles for**



**a period of 100 days** according to the terms of the Settlement Agreement. (The Settlement Agreement was not disclosed in the request.)

The Settlement Agreement provides that ISP will dismiss Count I and Boyles agrees to admit all allegations with respect to Counts II, III, IV and V.

Boyles is a Special Agent working Zone 7 investigations assigned to the Southern Illinois Drug Task Force.

On July 17, 2008, while on duty, he met a woman at the Super 8 Motel for the purpose of having sex. At the time, this woman was acting as a confidential source for ISP. Boyles gave \$60 to the woman for the purpose of paying for a motel room for personal sexual purposes.

The next day when questioned by his commander, Boyles admitted having sex but denied using the money he gave the confidential source to pay for the motel room. On October 14, 2008 when Boyles was interviewed by DII, he admitted he knew the woman was a confidential source for the Department and that she had a warrant for her arrest for deceptive practice charge in Missouri. He admitted giving her the money for the motel room so they could have sex. He admitted to having sex with the confidential source and admitted this was a violation of ISP policy. Finally, he admitted he lied about using the money for the motel room on July 17, 2008.

Boyles admits that his conduct violates four rules of conduct. In return for his admissions, he agrees to a 100-day suspension and that the terms of the Settlement Agreement were to remain confidential.

<b>Merit Board Docket #08-8</b>	<b>Master Sergeant Thomas Wetherad</b>	<b>Settled Prior to Hearing</b>
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This is a July 16, 2009 decision by the Board accepting the joint motion of both parties and **suspending Wetherad for 90 days**. (The Settlement Agreement was not disclosed in the request.)

The Settlement Agreement provides that Wetherad has been employed by ISP since 1984. He holds the rank of Master Sergeant. He works in Zone 1 Investigations and at the time of the incident was assigned to the South Suburban Major Crime Task Force. The primary investigative function of the Task Force is the investigation of violent crimes, particularly homicides, in South Suburban Cook County.

On February 15, 2008, Wetherad, while on duty, struck a vehicle driven by Nguyen. He then fled the scene in his vehicle. Mr. Nguyen pursued Wetherad and eventually caught up with him. Mr. Nguyen obtained the license plate number and called 911 to report a hit and run crash. Mr. Nguyen honked his horn and flashed his lights but Wetherad did not stop, preceded to speed, drive through red lights and cut off other vehicles in an attempt to evade Mr. Nguyen. Wetherad did not check to determine whether Mr.



Nguyen was injured or needed aid. He did not report the crash to the local police department nor ISP.

On February 18, 2008, Wetherad made false statements to his supervisor regarding how and when the ISP vehicle was damaged. During an administrative interview with DII on September 4, 2008, Wetherad admitted he was the driver of the vehicle that caused the crash the evening of February 15, 2008. He admitted that he knew he struck another vehicle and then left the scene. He admitted he was untruthful in his statements on February 18, 2008.

<b>Merit Board Docket #08-7</b>	<b>Trooper Douglas A. Kozeluh</b>	<b>Settled Prior to Hearing</b>
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This is a January 12, 2009 decision by the Board accepting the joint motion submitted by the parties and **suspending Kozeluh for 45 days**. (The Settlement Agreement was not disclosed in the request.)

The Settlement Agreement provides that Kozeluh voluntarily admits all the allegations with respect to Counts I, II, III, IV, V and VI.

Kozeluh is a trooper and has been employed by ISP since 1998. He has received specialized training and is a certified Accident Reconstructionist. He is assigned to patrol duties in District 15.

On March 11, 2007, while off duty and driving his personal vehicle, Kozeluh was involved in a single-vehicle traffic crash in which he was at fault. He ran off the left side of the roadway into the grass median and struck a traffic safety sign, knocking the sign down. There was considerable damage.

After the accident, Kozeluh continued to proceed a quarter mile and did not return to the scene or notify the police of the crash, despite the fact the crash occurred directly in front of the Sugar Grove Police Department. After being at his residence for over an hour and concealing his vehicle, Kozeluh returned to the scene of the accident, dressed in civilian attire and still off duty, driving his state-assigned squad car. The roadway had already been cleared when he arrived at the scene. Kozeluh picked up pieces of debris which he believed belonged to his personal vehicle and put them in his pocket.

Kozeluh was observed doing this at the scene by a Sugar Grove Police Department officer. Kozeluh failed to identify himself as having been involved in the crash. Kozeluh also falsely identified himself as acting in his official capacity and assigned to assist the Sugar Grove Police Department in the handling of the hit and run.

Upon investigation, the Sugar Grove Police Department determined the vehicle in the hit and run belonged to Kozeluh. Kozeluh was found at home asleep in his bedroom. He was ordered to submit to a breath test and the result was .063 BAC.



On May 1, 2008, Kozeluh was interviewed by DII. At that time Kozeluh admitted consuming at least 3 alcoholic beverages before driving his new vehicle, the one involved in the accident. He knew he hit something but had no idea what it was at the time. He admits he left the scene and drove to his house and did not contact any police department. He admits he returned to the scene of the crash to make sure the roadway was clear. Before driving his squad car he gave himself a breath test and the result was either a .003 or a .005. Kozeluh admits he drove his squad car while off duty without permission and that he was dressed in civilian attire. He admits after returning home he consumed an unknown amount of alcohol before going to bed. He admits he did not attempt to contact ISP command and that it cost him approximately \$5,000 to repair his vehicle.

Kozeluh admits that his actions violated department rules as follows:

- Count I: Concealing evidence in an investigation.
- Count II: Interference with case.
- Count III: Improper use of official position.
- Count IV: Failure to identify department when under investigation.
- Count V: Bringing the department into disrepute.
- Count VI: Improper use of squad car.

<b><i>Merit Board Docket #08-6</i></b>	<b><i>Trooper Javier Villegas</i></b>	<b><i>Settled Prior to Hearing</i></b>
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This is an October 28, 2008 decision by the Board approving the joint motion submitted by the parties. Villegas was **suspended for 75 days**. (The settlement agreement was not disclosed in the request.)

The Settlement Agreement provides that Villegas admits all allegations with respect to Counts I, II, III, IV and V.

Villegas has been employed as a trooper with ISP since 2004. At all times he was assigned to patrol duties.

Villegas works out at a gym at Round Lake Beach named Cardinal Fitness Center. On January 30, 2008, he made two inquiries through LEADS on his mobile data computer (MDC) for the purpose of obtaining personal information on Rachel Perales who works out at the same gym.

Between January 30, 2008 and February 6, 2008, while on duty, Villegas made a traffic stop of Perales without probable cause to have a personal conversation with her. He activated his siren but failed to activate his emergency lights or squad car camera. He pulled alongside Perales' vehicle and talked to her. During the conversation he made statements which Perales perceived as unwanted sexual advances. Perales was



uncomfortable with his comments. Villegas was persistent even after Perales informed him she had been married for 20 years and had two children.

On February 13, 2008, Villegas, while off duty, drove his assigned squad car to the fitness center and parked next to Perales' vehicle. She felt uncomfortable and hid in the dressing room to avoid contact with him.

On February 16, 2008, Villegas made another inquiry on Perales' vehicle through LEADS for personal reasons. On February 20, 2008 Villegas, while on duty, parked his squad car on Perales' street near her son's school bus stop. He followed Perales' vehicle and made an inquiry of her vehicle through LEADS. He followed Perales all the way to her son's school.

Villegas admits that his conduct violates the following department rules:

Count I: Sexual harassment in enforcement actions.

Count II: Improve use of MDC.

Count III: Bringing the department into disrepute.

Count IV: Failure to use audio/video equipment.

Count V: Improve use of department equipment.

<b>Merit Board Docket #08-5</b>	<b>Master Sergeant Timothy Sebastian</b>	<b>Full Hearing</b>
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This is a July 16, 2009 decision by the Board following a hearing before Hearing Officer Thomas E. Johnson. The Merit Board adopted the findings of fact and conclusions of law presented by the hearing officer and **suspended Sebastian for 10 days.**

Two counts were filed against Sebastian. Count I alleged that Sebastian was untruthful during his February 21, 2008 interview about an incident in April of 2006 when he denied possessing a knife, denied approaching Inspector Senne in an attempt to cut off her clothing, denied making a move to remove some of her clothing, denied touching Senne and denied other allegations regarding Senne.

Count II alleges that Sebastian was untruthful in the same February 21, 2008 interview regarding an earlier incident of April 2005 when he denied having physical contact with Assistant State's Attorney Deb Bree by approaching her from behind and tickling her, despite her objections, and causing her injury.

The hearing officer found that in April of 2005, Sebastian repeatedly tickled Asst. State's Attorney Bree until she told him to stop as he was hurting her. This aggressive and unwanted tickling caused red marks on her body. Sebastian does not remember whether he was involved physically with Ms. Bree.

The hearing officer found that Sebastian was in possession of a knife in April of 2006 at the Hoops Bar and approached Inspector Senne with the knife. Sebastian conceded making a reference, albeit joking, to cutting off Senna's bra.

The hearing officer denied a Motion to Dismiss because the complaint was not filed with a verified affidavit. Furthermore, the hearing officer did not dismiss the complaint because ISP did not complete its investigation with the filing of a Merit Board case until more than 180 days had elapsed.

The hearing officer found that Sebastian improperly denied possessing a knife but was not guilty of violating the same rule when he denied attempting to cut off Senna's clothing and when he did not tell the investigating officer that he apologized to Senne. Therefore, Sebastian's denial of such behavior was not untruthful.

As to Count II, the hearing officer found Sebastian was untruthful in the same February 21, 2008 interview when he denied touching Assistant State's Attorney Bree over her objection. It is the finding of the hearing officer that Sebastian was not untruthful when he gave a DII statement because he did not recall whether or not he had physical contact with Ms. Bree on that night.

In aggravation, Col. Garcia was called to testify that officers found to be untruthful in a DII interview should be dismissed. In mitigation, Sebastian has been employed for more than 25 years and has no disciplinary record other than an admonishment when he accidentally backed his squad car into a light pole. Sebastian has advanced to various positions and assignments.

Col. Garcia conceded that in 2006 ISP did not seek discharge of Lt. Thomas Ceja and the Merit Board suspended Ceja for only 90 days. Garcia agreed that Ceja's conduct was more egregious than Sebastian's in that Ceja was untruthful in 6 separate statements during a DII investigation, had his side arm and handcuffs stolen, travelled to Springfield for a conference that had already been cancelled and encountered other problems with an intern. Lt. Ceja also had a poor prior disciplinary record.

The actions in 2005 and 2006 by Sebastian were done while off duty and did not appear to be malicious but rather an exercise in poor judgment. Neither Bree nor Senne reported the incidents as sexual harassment or otherwise.

Sebastian moved for sanctions because ISP persisted on claims for which it had no evidence. The hearing officer denied that motion. In fact, ISP did not offer any testimony regarding some particular facts concerning the Senne incident upon which the Complaint was based. Senne refused to testify at the hearing.



<b>Merit Board Docket #08-4</b>	<b>Captain Harold Masse</b>	<b>Settled Prior to Hearing</b>
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This is an October 28, 2008 decision of the Board based on a joint motion by both parties. The Board approved a **15-day suspension** of Masse. (The Settlement Agreement was not disclosed in the request.)

The joint motion of the parties sets up several stipulations. The parties stipulate and agree that Masse is employed by ISP as a Captain and is assigned to the Division of Operations. He has been employed by ISP since 1984 and is currently District Commander of District 22.

On February 5, 2008 while on duty and using ISP email system, Masse sent an email to 22 other officers contrary to ISP policies and rules of conduct. During his administrative interview on June 24, 2008 he admitted using the computer to send the email.

The message sent by Masse stated in part,

"The National Highway Safety Council has done extensive testing on a newly designed seatbelt. Results show that accidents can be reduced by as much as 45% when installed properly. Correct installation is shown below."

The picture below the message depicts a male smiling while driving and a female passenger with the lap portion of her seatbelt secured across her mouth. The recipients of the message were both male and female officers. Some of the recipients felt it was inappropriate for the workplace, offensive to others and insulting and derogatory to women.

The Department dismissed Count I of the Complaint. Masse admits to the allegations of Count II, admitting he violated a department rule which requires supervisors to be responsible and accountable for the maintenance of discipline and to provide leadership, supervision and example. He further admits to the allegations of Count III which alleges that he violated the rule that officers will use department equipment only for its intended purpose and will not abuse department equipment.

The terms of the settlement are to remain confidential between the parties and are not to be disclosed unless required by law or unless to be used in other disciplinary matters involving Masse.

<b>Merit Board Docket #08-3</b>	<b>Special Agent Cynthia A. Robbins</b>	<b>Full Hearing</b>
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This is a decision of the Board dated April 20, 2009. Mark Mifflin was the Hearing Officer. The Board unanimously adopted the findings of fact and conclusions of law.

**The decision of the Board was to remove Cynthia Robbins and discharge her from employment.**

The final order of the Merit Board in this case is dated July 20, 2012. The Merit Board found that the facts warranted Robbins discharge. Although the July 20, 2012 decision of the Board (on a remand from the Circuit Court ordering that the Board impose a sentence other than termination) ordered a 180-day suspension of Robbins, the order was clear that the Board persisted in their recommendation of termination. This case was appealed to the Fourth District Appellate Court and ultimately to the Supreme Court. The Supreme Court refused to take the appeal. The Fourth District Appellate Court terminated Robbins and published the opinion.

The Board found that Robbins was guilty of Counts I, III, IV, V, VI, VIII, IX and XI. The Board found the misconduct proven against Robbins represented substantial shortcomings related to her service as an employee of the Illinois State Police.

The Board found the misconduct was not trivial and occurred over approximately 8 months. It was the result of intentional and knowing acts on the part of Robbins, some of which constituted criminal conduct. The misconduct resulted from no legitimate law enforcement purpose and the actions were taken without authorization which resulted in Robbins abusing her position as an officer. Furthermore, Robbins was untruthful during her administrative interview rather than just mistaken. Said conduct did not reflect favorably on ISP.

The Board further considered the aggravating and mitigating factors presented. The testimony of her treating physician clearly stated that Robbins knew right from wrong. Robbins' efforts to receive counseling and treatment were hindered when she was not forthcoming with her counselor. There is no evidence that Robbins followed the recommendations of her psychologist and obtained the care of a psychiatrist. Furthermore, the Merit Board found that the cases enumerated were distinguishable and most were not decided by the Merit Board.

The complaint consists of 11 counts of alleged violations. Cynthia Robbins worked for the Department since 1999 and is a Special Agent. Her work with the ISP includes background investigations.

The case involves actions of Robbins in November and December of 2006 and continuing into 2007. Prior to December 2006, Robbins was involved in a relationship with Carlo Jiannoni for over 14 years. In November 2006, Robbins had not heard from Jiannoni for a period of time and learned he had gone to Afghanistan. He had not told Robbins he was leaving.

Robbins then discovered that Jiannoni was in a relationship with another woman, Gilda Moriconi. Robbins was devastated and lost weight, was sleepless and increased her



alcohol consumption. She began counseling in January of 2006 resulting in taking prescription medication for depression.

The hearing officer found that Robbins used the LEADS equipment to research license plates and personal information on Gilda Moriconi which had no legitimate law enforcement purpose. Robbins also refused a request from Jiannoni to return the keys to his residence and his truck. Robbins called Gilda Moriconi numerous times on her home and cell phones in December 2006 through May 2007 and the hearing officer found Robbins intended to harass Moriconi.

The hearing officer found that Robbins used her state computer on several occasions to send personal emails and sexually-explicit texts and photographs to Jiannoni as well as conducted online research looking for information on Moriconi from December 2006 through March 2007.

Robbins and Moriconi had a verbal and physical confrontation at Jiannoni's house on January 21, 2007. The hearing officer found that Robbins was the aggressor and that she was not justified in attacking and slapping Moriconi. The hearing officer further found that Robbins changed the locks to Jiannoni's residence without permission or authority on January 22, 2007.

The hearing officer noted that Dr. Lowe, a clinical psychologist, indicated that notwithstanding her depression, Robbins continued to understand right from wrong. Her condition improved during the first 6 months of her counseling and in June when she met with Jiannoni and was able to bring closure to the relationship.

In May, 2007 Jiannoni was home from Afghanistan. Robbins flushed Jiannoni's prescription medication down the toilet and also cancelled Jiannoni and Marconi's flight to Las Vegas without permission. She also cancelled Jiannoni's cell phone service on June 8, 2007 identifying herself as Gilda. In early June 2007, Robbins had a confrontation with Jiannoni and threw his truck keys in the Sangamon River.

During the course of the investigation, Robbins was interviewed on December 4, 2007 and was untruthful when questioned about her use of the LEADS equipment. She denied it was for personal use.

The hearing officer specifically found with regard to each count as follows:

Count I: Robbins is **guilty** of the offense of identity theft in violation of 520 ILCS 5/16G-15(a)(7).

Count II: Robbins was found **not guilty** of official misconduct.

Count III: Robbins was found **guilty** of violating Rule of Conduct in that she did not answer truthfully to a Department investigation.

Count IV: Robbins is **guilty** of committing the offense of battery in violation of 720 ILCS 5/12-3(a)(2).

Count V: Robbins was found **guilty** of committing the offense of criminal damage to property in violation of 720 ILCS 5/21-1(1)(a).

Count VI: Robbins was found **guilty** of harassing Moriconi in violation of the Rules of Conduct which require an officer to uphold and obey all federal, state and local laws.

Count VII: Robbins was found **not guilty** of bringing the Department into disrepute in violation of Rule 8.

Count VIII: Robbins was found **guilty** of violating Rule 30 of the Rules of Conduct when she undertook an investigation without authorization.

Count IX: Robbins was found **guilty** of violating Rule 38 of the Rules of Conduct in that she improperly used her State equipment to undertake personal actions.

Count X: Robbins was found **not guilty** of violating Rule 38 of the Rules of Conduct when she drove her State-assigned vehicle on January 2, 2007 to meet a locksmith for the purpose of escorting the locksmith to Jiannoni's residence to change the locks.

Count XI: Robbins was found **guilty** of violating Rule 7 of the Rules of Conduct in that she failed to conduct herself on and off duty in a manner to reflect favorably upon the Department.

In aggravation ISP argued the severity of the offenses merited discharge. ISP argued the cases relied upon by Robbins as precedent do not involve identical conduct. ISP argued that Robbins was still able to determine right from wrong. ISP argued that Robbins did not accept responsibility for her behavior and continued to deny significant portions of the charges.

In mitigation, Robbins argued the conduct occurred during a personal crisis when she was suffering from major depression. Robbins argued that depression was not an excuse but an explanation. Robbins also argued that her conduct is an aberration. Robbins argued that she acknowledged much of the conduct in this case and accepted responsibility for her behavior. Robbins argued that prior cases of discipline mitigate against discharge in this case.



This is an amended decision of the Board dated August 6, 2008 approving the joint motion of the parties. The Board adopted the joint motion and suspends Brody for a period of 30 calendar days. (The joint motion was not disclosed.)

The Settlement Agreement provides that Brody admits all the allegations of the complaint in its entirety.

The complaint itself provides that Brody is a trooper with ISP. He has been employed since 2000. He was assigned to patrol duties as a K-9 officer in District 15. As a K-9 officer, he is issued an approved dog kennel for his residence, which is enclosed and secured with a locking gate.

During the evening hours of September 12, 2007, while Brody was off duty at his residence, he let Nitro, his canine partner, out in the kennel to run loose in the backyard. Respondent then went inside and left Nitro loose and unsupervised and failed to ensure the gate was secure. Three hours later, Brody noticed Nitro was gone. Brody searched the neighborhood but could not find Nitro and thereafter contacted the Naperville Police Department. Brody was then advised that Nitro had bitten two people and was in the custody of the Animal Control officers.

While running loose in the neighborhood, Nitro bit James Crile and then attempted to bite Brad Kuster on the chest. Thereafter, Nitro bit Police Officer Neal on his right arm. Crile and Neal received medical treatment.

When Brody was advised that Nitro had bitten two people, he contacted District 15 Operations advising the canine section supervisor that he did not know if Nitro escaped from his kennel or from the backyard. Brody told the Naperville Police Department that Nitro escaped from his backyard. When he spoke with Lt. Baker, one hour after Brody learned Nitro had escaped, Brody stated he did not know how Nitro got out of his kennel.

On September 13, 2007, Brody met in person with Lt. Baker and admitted that he had let Nitro out of his kennel to run loose in the backyard and while Nitro was unsupervised, he escaped. He expressed regret.

On November 1, 2007 when Brody met with DII, he admitted that he had let Nitro out of the kennel, went inside his residence and did not check to see if the gate to the fence surrounding his backyard was secure. He admitted that he left Nitro in the backyard unsupervised for several hours and that he had not told the truth to Lt. Baker, the canine supervisor and the Naperville police.

Brody is charged with two counts, one for failure to truthfully answer questions and the second count is unsatisfactory work performance. He admits he violated those rules.



In mitigation of his admissions, Brody states that on September 12 he did not tell Lieutenant Baker the truth because he was under the influence of a prescribed narcotic pain medication, hydrocodone, after his oral surgery earlier that day. The medication affected his cognitive abilities to reason and remember. The following day, Brody met in person with Lt. Baker and admitted that he let Nitro out of his kennel to run loose, then went into the house and left Nitro unsupervised when Nitro escaped from the back yard. He expressed his regret at having provided incorrect information the previous day. Furthermore, on November 1, 2007 when questioned by DII, Brody provided the correct information.

**Merit Board Docket #08-1**

**Trooper Christopher Martinez**

**Settled Prior to Hearing**

This is a decision of the Board dated October 28, 2008 following a joint motion submitted by both parties. Martinez was **suspended for 40 days** according to the terms of the settlement agreement which is attached to the decision. (The Settlement Agreement was not disclosed.)

The Settlement Agreement provides that Martinez admits to all the allegations of Counts I, II, III, IV, V and VI.

Martinez is a Trooper and has been employed by ISP since 1999. He was assigned to patrol duties at District Chicago.

Martinez is a close personal friend of Keith Herrera. Martinez was aware that Herrera, a Chicago police officer, had been indicted for several felonies including armed violence, home invasion, aggravated kidnapping and delivery of a controlled substance. Herrera was suspended from CPD. Martinez continued to associate and maintain a close personal relationship with Herrera even after the indictment.

On September 8, 2007 Martinez was with Herrera at the Moda Night Club in Chicago where Martinez consumed alcohol. There was a verbal altercation which resulted in Herrera being asked to leave the club. Officer Honda followed Herrera and attempted to resolve the situation. Martinez pushed Honda and punched him in the face with a closed fist. When 911 was called, Martinez fled the scene. ISP was contacted and tried to contact Martinez.

Martinez was then transported from his residence by a CPD officer who noticed Martinez had a strong odor of alcohol and appeared to be intoxicated. Martinez admitted that he punched Honda in the face.

Honda agreed not to sign a criminal complaint in return for reimbursement of his medical\* expenses. CPD observed that Martinez maintained an arrogant and disrespectful attitude while being interviewed and while speaking to Officer Honda. CPD investigators felt that Martinez was insincere when he apologized to Honda.



Martinez was interviewed by DII on December 20, 2007. Martinez admitted that he learned Herrera was under indictment in August of 2007. He also knew that Herrera was suspended from CPD. He admits that on September 8, 2007 he went with Herrera to the Moda Night Club and consumed 5-6 shots of tequila. In his opinion he was not intoxicated but did have a lot to drink. Martinez admitted that he hit Officer Honda and that Honda did not push or strike either Herrera or himself. Martinez admits that he did not initiate any calls to ISP when he left the scene. He admits he told Officer Honda that he should never have hit him. He admits his actions did not reflect favorably on ISP and that his actions were inappropriate.

Martinez admits the following:

1. That he violated the rule which requires him to uphold all state laws when he committed the offense of battery, striking Officer Honda in the face with his fist without legal justification.
2. He admits that he had regular association with a person under indictment which is a violation of a department rule.
3. He admits that he consumed alcoholic beverages which resulted in his impairment, intoxication and/or obnoxious and offensive behavior which discredited him and the Department which resulted in Martinez striking Honda in the face without provocation, fleeing the scene and maintaining an arrogant and disrespectful attitude when interviewed by CPD.
4. He admits that he brought the Department into disrepute by maintaining a close relationship with Herrera and by striking Honda with his fist without provocation after consuming alcohol.
5. He admits that he failed to notify the Department of the investigation when he failed to report his actions on December 8, 2007.
6. He admits that he engaged in conduct unbecoming an officer when he associated with Herrera from August 2006 through September 2007 and then striking Officer Honda on September 8, 2007.

<b>Merit Board Docket #07-8</b>	<b>Trooper Jasen L. Woo</b>	<b>Full Hearing</b>
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This is an amended decision dated December 8, 2008 in which the Board voted unanimously to **suspend Jasen Woo for a period of 180 days** during which time he was suspended from all police duties and active pay status. A hearing was held before Hearing Officer Mark Mifflin. The Board accepted the findings of fact and conclusions of law of the hearing officer.

This is a 3-count complaint stemming from an incident involving Woo off duty on August 11, 2007. In August 2007, Woo was a trooper with the Illinois State Police assigned to Chicago. During early August, Woo was assigned to work at the State Fair in Springfield. Prior to the assignment, state troopers were called to Springfield for a meeting about their work at the fair. They were told there was to be no drinking and driving by police personnel. They were to call a cab or the local district for a ride if they found themselves in a situation that they needed a ride after having been drinking. They were also reminded of department policy prohibiting the transportation of unauthorized passengers.

On August 10-11, 2007 Woo was assigned the 5 p.m. to 1 a.m. shift. He had no alcoholic beverages to drink during his shift.

At approximately 12:30 a.m. on August 11, Woo was released to go back to the hotel and had some alcohol to drink. Woo volunteered to pick up a friend at the Stadium Bar at approximately 4 a.m. which was across the street from the fairgrounds. Woo admitted he was going over 60 mph as he drove his squad car. While driving, Woo failed to negotiate a curve on Peoria Road and cut across the two lanes designed for traffic headed in the opposite direction. He hit a pay phone and two metal poles.

The hearing officer found that Woo's explanation for the cause of the accident (handing the phone to Wilhite during the accident) was not causally related to his failure to maneuver the curve. ISP and Springfield City Police responded to the crash. The hearing officer found that the information provided by Woo to the investigating Springfield officer was not correct. It was given by Woo in an effort to mislead the police officer.

The responding Springfield Police Officer noted there was a strong odor of alcohol. Woo was arrested and transported to the jail for processing. Woo was ordered to take a breath test by his Captain. The Captain admitted that the administrative rule ordering such test only applied to on duty conduct. The test showed an alcohol concentration of .046. The breath test was taken approximately 2 ½ hours after the accident.

Much testimony was presented on the blood alcohol content. The hearing officer found that Woo's blood concentration at the time of the accident would have been approximately 0.083 which creates the presumption Woo was under the influence of alcohol at the time of the accident. Accordingly, the hearing officer found that Woo was under the influence of alcohol at the time of the accident.

Woo's accident was in the news on local television, radio and in the local newspaper. Woo admitted that drinking and driving brings the department into disrepute. The hearing officer found Woo's conduct discredited ISP.

Count I alleged that Woo violated department policy when he drove his marked ISP squad car while under the influence of alcohol. **Guilty.**



Count II alleged Woo violated the department rules when he provided false information to the Springfield Police Department concerning his alcohol consumption. Specifically, Woo advised officers that he consumed only three beers and stopped drinking around 12:30 a.m., knowing this information to be false. **Guilty.**

Count III alleged Woo violated the rules by consuming alcohol, driving in excess of the speed limit and being involved in a single-traffic accident and thereafter refusing to submit to a blood alcohol test. In court documents, Woo stipulated committing the offense of failure to reduce speed to avoid an accident. This conduct brought the department into disrepute. **Guilty.**

Director Trent seeks the termination of Woo from employment. This is based on the severity of the offenses, the disciplinary matrix sanctions and an informal zero tolerance policy for DUI violations. Trooper Woo argues that other individuals found liable for similar violations have not been terminated. These cases were summarized in Woo's closing arguments on pages 31-34. Woo argues this incident was an aberration and would not be repeated.

<b>Merit Board Docket #07-7</b>	<b>Trooper John H. Chase</b>	<b>Settled Prior to Hearing</b>
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This is an April 22, 2008 decision of the Board on the joint motion of the parties. Chase was suspended for a period **36 calendar days** without pay. The joint motion was made a part of the decision. (The joint motion was not disclosed.)

The Settlement Agreement provides that Chase admits to all allegations with respect to Counts I, II and III. Chase admits that he was employed as a State Trooper with ISP since 2005 and was assigned to patrol District 1.

Chase admits he is a personal friend of Brian Beggs and that he knew Beggs had been charged with illegal possession of a controlled substance, a felony. Chase attended three court proceedings with Beggs in Cook County. On July 11, 2006, Chase was present when Beggs pled guilty to a felony offense and was placed on probation. Chase continued to maintain a close personal relationship after that date.

On July 25, 2007 while on duty, Chase heard an ISPERN message to a DUI driver identified as Beggs. Chase twice attempted to call Beggs' cell phone and made two inquiries on Beggs' vehicle and three inquiries including a criminal history check through LEADS. Chase advised the telecommunicator at ISP that Beggs was his best friend who was not intoxicated.

On November 1, 2007, Chase was interviewed by DII. He admitted that he was in court when Beggs was placed on probation and continued to maintain a relationship with Beggs. He further admitted that his LEADS inquiries were not for law enforcement purposes and that his friendship with Beggs created a conflict of interest.



Chase admits that he violated the rule which prohibits officers from associating with known criminals. He violated this rule from April 2006 through September 2007 when he associated with and maintained a close relationship with Beggs, a known felon. He admits that he violated a rule which prohibits improper use of the mobile data computer when he used his MDC to make 5 inquiries on Beggs for personal reasons. He admits he brought the Department into disrepute by maintaining a close personal relation with Beggs, a known felon.

**Merit Board Docket #07-6**

**Special Agent Robert M. Jennings**

**Full Hearing**

This is an April 20, 2009 decision of the Board following a full hearing before Hearing Officer Ed Williams. **Jennings was suspended by the Board for 30 days.** The Board adopted the findings of fact and conclusions of law of the hearing officer.

Director Trent filed a 5-count complaint against Jennings. The charges deal with Jennings' relationship with Aiello, a person under investigation for drug-related charges. Jennings worked for the Attorney General's office as a criminal investigator from 1986 to 1990 and thereafter was hired by ISP and assigned to District 14 in Macomb for six months. He was then activated and went to the Persian Gulf for six or seven months and returned to ISP. He was then transferred back to Springfield after filing for a hardship where he spent 10 years on the road. In approximately 2000, Jennings went to DII and then Zone 4.

At the time of the hearing, Jennings was a special agent in the Investigation Division and held that position in 2005 when these events occurred. Jennings' job included general criminal investigations dealing with death, homicide, suicide as well as some theft. He was never assigned to the Drug Task Force. At the time of the investigation he was on the promotion list. He met or exceeded expectations and received several award letters from other state agencies and chiefs of police regarding his efforts in investigation.

In September 2005, Jennings' unit was assigned to help with an investigation involving a cocaine ring in Springfield, Illinois. Jennings did not want to participate in the investigation because he grew up in Springfield and knew a lot of people there.

Jennings was a close friend of Joe Aiello and knew Aiello had issues with drugs. Jennings had known Aiello 33 years. Jennings admitted to talking with Aiello during the drug investigation claiming his purpose was to try to jolt him, which generally would get him back on course.

Jennings did tell Aiello that Aiello needed to go in and tell the truth and cut his losses. Aiello admitted he had a drug problem but indicated that he was not selling, trafficking or transporting drugs.



Jennings agreed he had a conflict of interest in this case and that what he told Aiello could have interfered with the investigation. Jennings felt his conduct may have interfered with the investigation because DII said the information Jennings gave Aiello somehow tipped off Vondebaur.

Aiello's name came up during the investigation. As a result of the investigation, arrests were made including Vondebaur. Fullerton had no conversations with Jennings concerning Joe Aiello. Aiello was not an initial target of the investigation. He became a person of interest during the investigation.

Fullerton explained the reason no drugs were found at Vondebaur's residence was that when Mohan was arrested, Fullerton was personally kicking in his door and Mohan was on the phone with Vondebaur. As far as Fullerton is aware there is no connection between Mohan and Jennings. Mohan was one of the primary targets of the investigation.

Mayberry testified that Jennings asked him questions about the cocaine ring investigation. He told Jennings about Aiello and that to his knowledge, Aiello was under investigation as part of the cocaine ring. Jennings' response was the Aiello had had a habit for a long time.

The investigation was confidential. That includes the information Mayberry conveyed to Jennings about Aiello. Mayberry did refer Jennings to Fullerton (who was in charge of the investigation) if he wanted specific information. It was the opinion of both Mayberry and Fullerton that anything Jennings said or did to anyone did not materially alter or obstruct or interfere with the investigation.

Colonel Harold Nelson testified that he oversees investigations by ISP. The most important charge against Jennings was divulging information with regard to the investigation. This is a level 7 infraction and means termination. Col. Nelson was involved in formulating the disciplinary matrix. There was a committee who met over the course of the year. The committee did not review any precedent cases going back 5-10 years to determine what level of discipline officers had received in the past.

As to another matter involving Antone Stewart, the Department requested a 60-day suspension. Stewart had made approximately 15 telephone calls to a person who was the subject of an investigation. To his knowledge, Sergeant Jennings had nowhere near 15 contacts with Aiello during the relevant time of this investigation. Fullerton was not asked to come before the Review Board to offer any opinions. Nelson testified that to be charged with interference does not mean that you actually have to compromise the investigation.

Joe Aiello is a Sangamon County Clerk in the Springfield area and has held that position for 16 years. He has known Jennings for more than 30 years. They were good friends in high school and they continued that friendship. Aiello last spoke with Jennings

two years ago. Aiello testified that Jennings told him to figure out what's wrong with him, that he needs to straighten out his life and he needs to be a better person.

In the second conversation with Jennings, Aiello testified he was told to be careful what he was doing, where he was going and who he was hanging around with. At some point, the name Mayberry had come into the conversation. Someone did tell him that he had been on surveillance. He's not sure if it was Jennings. Jennings did tell him that, "Your buddy Vondebur is in trouble."

Based on the conversation Aiello had with Jennings, Aiello understood that law enforcement had him on video tape at Vondebur's house. Aiello told Vondebur this information because of the warnings. Jennings basically told Aiello he should be at home and to watch out what he was doing and to behave himself. He's not sure when that conversation took place.

Mike Aiello testified and is Joe's older brother. Mike has known Jennings for 35 years. Jennings helped Mike with a situation involving Joe many years ago. After the arrests were publicized concerning the cocaine ring, Mike asked Jennings if Joe was going to be arrested and should they get an attorney. Jennings told Joe to get professional help.

Sgt. Kilduff is a sergeant in DII. He interviewed Aiello on July 5, 2006. He asked Aiello about the timing of the warnings. Aiello said Jennings gave him warnings prior to Vondebur's arrest. Aiello stated that he told Vondebur he was being watched because of what Jennings had said. The U.S. Attorney declined any type of criminal charges against Jennings.

The hearing officer found that Jennings did not approach Mayberry in an attempt to elicit information about the investigation. The lack of results or lack of significant drugs found at Vondebur's residence was not attributable to Jennings. Mayberry never gave Jennings any specific details about how Aiello was involved in the investigation. Mohan was on the phone to Vondebur when Mohan's residence was being searched and that was a significant possibility as to why there was no drugs found at Vondebur's residence.

The hearing officer found that at no time did Jennings probe Mayberry for information about the investigation. Nothing Jennings did or said to anyone materially altered, obstructed or interfered with the investigation in any way.

All of the charges result from a single course of conduct of Jennings. Specifically, Jennings is alleged to have sought out confidential information concerning Aiello's involvement in an ongoing investigation and then initiated several contacts with Aiello for the purposes of steering Aiello away from any possible entanglement in the investigation.



Count I – Jennings is alleged to have divulged confidential information without permission to Aiello. **Not Guilty.**

Count II – It is alleged that the contacts Jennings had with Aiello consisted of regular association with a person who is under a criminal investigation or indictment who had a reputation in the community or the department for present or past involvement in felonious or criminal behavior or who had a felony conviction. **Not Guilty.**

Count III – It is alleged that Jennings' meetings and conversations with Aiello created a conflict of interest with his official duties and responsibilities. **Guilty.**

Count IV – It is alleged that Jennings' conduct to dissuade Aiello from continuing his drug use constituted a material interference with the joint investigation. It is uncontested that Jennings intended to deliver a warning to Aiello in order to steer him away from the joint investigation. No actual harm occurred however this violates the Rule of Conduct. **Guilty.**

Count V – It is alleged that Jennings' contact with Aiello was conduct unbecoming of an officer. In order to succeed and prove the charges, the employee's conduct must either be published or become known to the public at large in order for it to be considered unprofessional conduct. **Not Guilty.**

In mitigation, Jennings testified that a 1-month suspension would cost him \$7,000. He has been a sworn officer with ISP for 19 years and served in the Armed Forces for 6 months. No evidence was presented indicating that Jennings was every disciplined in his 19 years with ISP. No evidence was offered in aggravation.

The committee that formed the disciplinary matrix did not review precedent cases to determine what level of discipline officers had received in the past.

<b>Merit Board Docket #07-5</b>	<b>Trooper Chad R. Martinez</b>	<b>Settled Prior to Hearing</b>
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This is an August 6, 2008 decision of the Board based on a joint motion of the parties. **Martinez was suspended for 180 days.** A copy of the Settlement Agreement is attached to the decision. (A copy of the Settlement Agreement was not disclosed.)

The Settlement Agreement provides that the Department dismisses Counts I and II. In return, Martinez admits he violated the rule which requires officers to conduct themselves on and off duty in such a manner as to reflect favorably upon the Department.

Martinez admits that on May 9, 2007, while on duty, he conducted a traffic stop of a woman and that certain comments and actions during the course of that traffic stop reflected unfavorably upon the Department.



In addition to the agreed suspension, **Martinez agrees he will be transferred from District 15 to District 5. He further agrees to dismiss his pending grievance and dismiss the unfair labor practice currently pending.**

**Merit Board Docket #07-3**

**Sergeant James E. Vest**

**Full Hearing**

This is an April 22, 2008 decision of the Board following a hearing before Hearing Officer Mark Mifflin. The Board accepted the findings of fact of the hearing officer. Vest was **suspended for 20 days.**

A 4-count complaint was filed against Vest. Count I alleged Vest created false official department records. Count II alleged he misused his official position. Count III alleged he caused the department to be brought into disrepute. Count IV alleged he was involved in conduct unbecoming an officer.

Counts I and II were found to be related to misconduct that occurred in 1998 and therefore the hearing officer recommended that the Board grant the Motion for Judgment on the pleadings and the Motion to Dismiss with Prejudice Counts I and II of the Second Amended Complaint. **Count I and II were dismissed.**

The hearing proceeded based solely on Counts III and IV. Count III alleged Vest violated a rule of conduct by possessing a fully automatic weapon without having or confirming his legal right to do so and failing to take any action to correct the National Firearms Registration and Transfer Record, failing to take any action to correct the department's inventory listing and failing to obtain permission to rectify the record. These actions are alleged to have brought the department into disrepute. Count IV is based on the same conduct alleging said conduct is unbecoming of an officer. The same factual allegation is alleged for both.

Vest is a sergeant and has been with ISP for 19 years. In 1998, Vest initiated the purchase of the automatic rifle from Botach in California. Vest was the equipment officer for the Tactical Response Team. During this time, Vest and others had discussed the need to upgrade the weapons. It was within Vest's authority to order such a weapon for testing and evaluation.

Vest did not follow the normal channels with reference to the purchase of the automatic rifle. He paid for the weapon from his own personal funds and never sought reimbursement from the State. He also personally prepared documents directed to Botach and made up a purchase order number. The weapon was never properly placed in ISP inventory as it should have been. However, Vest did discuss the matter with Capt. Irwin and there was some confusion as to how it should be inventoried.

Vest taught rifle classes for ISP and possessed the weapon 8-12 times during the three year period before the filing of the complaint. Vest reasonably believed he had the right



to purchase the weapon as the equipment officer and later had the right to possess the weapon in conjunction with teaching of classes and his duties as an ISP officer.

Vest was indicted by a federal grand jury on charges relating to his possession of a fully automatic rifle. A judge found the statute to be unconstitutional as applied to Vest. The criminal charges were dismissed. There was also media coverage concerning the federal investigation and the criminal proceeding which were ultimately terminated.

Vest, according to his supervisor, is an exemplary police officer, sniper and a courageous trooper. Vest was recommended for a promotion although the promotion has not yet occurred. Capt. Irwin testified Vest was not the type of trooper ISP needed to lose.

Count III – It is alleged in this count that Vest's actions brought the department into disrepute when he possessed a fully automatic weapon without having or confirming his legal right to do so. He also failed to take any action to correct the National Firearms Registration and Transfer Record as well as failing to take action to correct the ISP inventory list. **As to Vest's failure to take action to correct the National Firearms Registration and Transfer Record, Vest is not guilty. As to his failure to take action to correct the inventory list, Vest is guilty.**

Count IV – It is alleged that Vest's conduct constitutes conduct unbecoming an officer. This count is based on the same facts as alleged in Count III. **Vest is not guilty of engaging in conduct unbecoming an officer as it relates to his possession of the automatic weapon and failing to take action to correct the National Firearms Registration and Transfer Record. On the other hand, Vest did fail to take action to correct the department's inventory which is a basis for conduct unbecoming an officer and therefore he is guilty of that portion of the charge.**

In terms of penalty, ISP argues that the dismissal of Counts I and II would not affect the request that Vest be suspended for a period in excess of 30 days even though this is an upward deviation from the number of days of suspension found in the disciplinary matrix.

In mitigation, Vest argues that the department must follow the disciplinary matrix. If the Merit Board follows the matrix, Count III involves a suspension of 5-10 days and Count IV deserves a reprimand of a 2-day suspension. Furthermore, it was argued that ISP may not stack the disciplinary periods and therefore Vest should only have a suspension between 5-10 days. Vest had no prior discipline.

This is a July 22, 2008 decision of the Board following a hearing before Hearing Officer Ronald J. Stone on a Petition for Review. **ISP suspended Yard for 30 days. The Board adopted the findings of fact and conclusions of law and suspended Yard for 15 days.**

Yard was indicted by a federal grand jury in January of 2006. It was alleged Yard borrowed an automatic weapon from Dr. Harold Griffiths, took it to the firing range at the Greenville Federal Correctional Center, where he and other officers fired it, and then returned the weapon to Griffiths. Later he called Griffiths to verify he still possessed the weapon and then accompanied ATF agents to Griffiths' residence where the doctor was arrested. The doctor was subsequently indicted.

At the hearing, Griffiths testified that he loaned the weapon to Yard and did so at the time he did not have a license to legally possess it. He then asserted his Fifth Amendment privilege.

Yard is a special agent for ISP finishing his 11<sup>th</sup> year. He previously served 5 years in the Patrol Division. Yard has known Dr. Griffiths since 1997 or 1998.

Yard asked Sergeant Vest, an instructor at the training session, if he could bring an automatic weapon in for the officers to shoot and was told it was okay. Yard was the only one charged with possession of the automatic rifle. Yard believed at the time that one could legally possess an automatic weapon and thought Dr. Griffiths was qualified to possess the gun. Yard testified that he had no reason to inquire about Dr. Griffiths' ability to possess the weapon.

Yard stated there was media coverage when charges were filed as well as when the charges were dismissed. He further testified that he believed as an ISP officer he had authority to bring the weapon into the facility.

Deputy Director Nelson testified it was illegal for Yard to possess the automatic weapon. He testified that the disciplinary matrix is a guide and that factors in mitigation and aggravation can properly be considered. He acknowledged that the DRB (Disciplinary Review Board) recommended 10 days. He also agreed that there were no aggravating or mitigating circumstances present in this case.

Lt. Fraser testified that he is aware of no rule of conduct that requires an officer to inquire under these circumstances as to whether Dr. Griffiths had a valid license to possess the automatic weapon. He testified that there is no Illinois database available to make a determination as to whether or not a person legally possesses an automatic weapon. Lt. Fraser agreed that he would not check a friend who loaned him a car to see whether the friend's car was stolen. He may ask a person with an automatic weapon



where they got it. However, he would assume the person was properly registered unless the answer was suspicious.

Yard testified he had known Dr. Griffiths for almost ten years and considered him a good friend. He went to dinner and on vacations with the doctor. Griffiths had to undergo background checks for his narcotics license and FOID card so there was no reason to check on his status. Griffiths also told Yard he had gotten the weapon in California in the early 80's. Yard said the only time he fired the automatic weapon was at the training session in October of 2005.

Special Agent Kenneth Mahan testified that the only way Yard could have checked on Griffiths' status was to check with ATF. To do so, one would need reasonable suspicion to believe a crime had been committed. There are no facts that suggest reasonable suspicion. It is Mahan's opinion that Yard could possess the weapon because he was a police officer at a police function in the performance of his duties.

Director Larry Trent testified that Yard's actions constituted violations of the Rules of Conduct. Few people can possess a machine gun and Yard did not have authority to possess the automatic weapon. Trent claimed that any officer that sees a private citizen with an automatic weapon should inquire where they got it and what makes it legal. Trent testified that Yard's close friendship with Dr. Griffiths does not provide any legal exemption. He also indicated that the publicity the Department received on this matter was very negative.

Trent testified that due to the disrepute suffered by the Department and the Special Agent's irresponsibility in not asking questions, he ordered a 30-day suspension which is in excess of the guidelines in the matrix. Trent testified that he felt that this case was an exception admitting that usually he abides by the guidelines. Trent denied knowing that others in the Department had fired the same weapon the same day and no charges were brought.

Trent testified that probable cause existed based on the fact that most people cannot legally possess an automatic weapon. Trent agreed that there were no aggravating factors such as multiple violations, untruthfulness, refusal to accept responsibility and obstruction. He also agreed that there were certain mitigating factors such as a favorable work record and acceptance of responsibility for taking the weapon as he had voluntarily self-reported to ATF.

As to the specific allegations made by the Department, the Hearing Officer found as follows:

- 1) Yard fired/possessed the automatic weapon without proper authorization:  
**Not Guilty.**

- 2) Yard fired/possessed the automatic weapon without confirming his legal right to do so: **Not Guilty.**
- 3) Yard returned the automatic weapon to Griffiths without confirming Griffiths' ability to possess the weapon: **Not Guilty.**
- 4) Yard returned the automatic weapon to Griffiths without reporting the same to the Department or other law enforcement agencies: **Not Guilty.**
- 5) Yard engaged in one prior violation. No evidence was presented as to any allegation of misconduct except for the October 2005 date: **Not Guilty.**

**Based on these findings, the Hearing Officer stated that imposition of discipline does not appear to be supported by the record.**

<b>Merit Board Docket #07-1</b>	<b>Trooper Michael Lockwood</b>	<b>Settled Prior to Hearing</b>
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This is a decision of the Board dated October 29, 2007 in which the Board approved the joint motion for a decision and imposed a **90-day suspension** without pay. The joint motion is attached to the decision and made part of the record. (A copy of the joint motion was not disclosed.)

The joint motion of the parties includes a stipulation. The parties stipulated that Lockwood is a trooper with ISP temporarily assigned to Kankakee Area Metropolitan Enforcement Group. This is the group that investigates drug offenses, gang activities and violent crimes. Lockwood has been employed with ISP since 1999.

After information was received that cannabis was growing in the area, Lockwood conducted surveillance and drafted a complaint for a search warrant. As a result, a search warrant was issued. The statement that Lockwood received a call from an anonymous citizen was incorrect. The parties admitted that the incorrect statement was made inadvertently and without intention to perform a disservice to the judicial process.

Lockwood's actions did violate a department rule which requires reports to be truthful and complete. All other charges against Lockwood were dismissed.

<b>Merit Board Docket #06-10</b>	<b>Trooper David L. Sandack</b>	<b>Settled Prior to Hearing</b>
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This is a decision by the Board dated July 23, 2007 approving a joint motion for decision. Trooper Sandack was **suspended 120 days** and he may use 30 days of accumulated benefit time other than sick leave, if any, to satisfy this suspension. The joint motion is attached to the decision. (A copy of the joint motion was not disclosed.)



The stipulation of the parties provides that Sandack admits that he is an ISP Trooper assigned to District 12. He has been employed by ISP since 2001.

Sandack admits he was on duty on May 27, 2005 and was engaged in pursuit of two ATVs driving on a city roadway, assisting the Effingham police. The pursuit lasted in excess of 3 ½ minutes. At no time during the pursuit did Sandack notify the District he was involved in the pursuit.

Sandack was the first officer to arrive, grabbed the driver of the ATV and forcibly pulled him off the ATV and kicked him while on the ground. Sandack also called the ATV driver a "fucking dumbass" and grabbed his neck. Twice he called the ATV driver a "fucking piece of shit" and also stated "He's fucking drunk too". Sandack also pushed the stereo off the ATV breaking it and flung several compact discs from the ATV in the air and threw the cell phone belonging to the ATV driver. Sandack arrested the ATV driver and submitted a field report.

In his field report, Sandack did not mention that he was involved in the pursuit and used physical force against the ATV driver. He failed to mention that he kicked the driver and damaged his cell phone and/or stereo. Thereafter, Sandack amended his report to document these facts.

On June 30, 2006, Sandack was convicted of the offense to criminal damage to property, a misdemeanor, for intentionally destroying the cell phone and stereo on March 27, 2005. Sandack was represented by counsel and pled guilty to the offense in a negotiated plea.

Sandack agrees he violated the department rule regarding vehicle pursuits when he was involved in a pursuit that was not authorized by department policy and when he failed to notify District communications regarding the pursuit. Sandack admits he violated the rule that officers will be courteous to the public when he failed to control his temper on March 27, 2005 and used coarse, profane, violent or insulting language toward the ATV driver. Sandack admits he violated the rule which requires officers to be truthful in their field reports. He admits he was not truthful when he failed to report material facts concerning the pursuit. Sandack admits he violated the rule which requires officers to uphold the laws of the State of Illinois when he was convicted on June 30, 2006 of criminal damage to property, a Class A misdemeanor. This conviction was a result of Sandack intentionally destroying the cell phone and stereo of the ATV driver.

<b><i>Merit Board Docket #06-9</i></b>	<b><i>Trooper Rodge Stockwell</i></b>	<b><i>Settled Prior to Hearing</i></b>
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This is an order of the Board dated April 24, 2007 upon joint motion for decision. Trooper Stockwell was **suspended for 30 days**. The joint motion was attached to the decision and made part of the record. (A copy of the joint motion was not disclosed.)



The joint motion of the parties includes certain stipulations. Stockwell has been employed as a State Police Officer, as a trooper, assigned to District 12. He has been employed since 1987.

On March 23, 2006, Stockwell was assigned to work the day shift and patrol Cumberland and Clark Counties. He did not go on the air and report for duty as scheduled. The telecommunicator phoned Stockwell at his home, waking him. Instead of reporting for duty, Stockwell went back to sleep. Later in the day, the telecommunicator radioed Stockwell at least three times to advise him of his change in patrol duties and Stockwell did not respond and had not logged onto the system.

Stockwell indicated that he did not hear the telecommunicator's earlier radio calls because he turned his low-band radio off. All officers are required to have their low-band radios on, functioning and audible. Stockwell violated the department rule that requires officers to report for duty as required. On March 23, 2006, Stockwell failed to report as required.

At the administrative interview with DII on April 6, 2006, Stockwell indicated he did not report for duty because he was not feeling well but did not want to call in sick. This violates the rule that requires officers to report their inability to report for work if they are physically or mentally unfit to perform their duties.

<b>Merit Board Docket #06-4</b>	<b>Sergeant Tyrone R. Kanzaki</b>	<b>Settled Prior to Hearing</b>
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This is a September 26, 2006 decision of the Board on a joint motion for a decision. Kanzaki was **suspended for 40 days** without pay. A copy of the joint motion is attached to the decision. (A copy of the joint motion was not disclosed.)

The Stipulation provides that Kanzaki voluntarily admits to all allegations made in Counts I, II, III and IV. He denies all allegations with regard to Count V.

Kanzaki admits he holds the rank of Sergeant assigned to District 21, Ashkum. He has been employed by ISP since 1985.

On September 21, 2005, Kanzaki admits that he took the department utility car home and used it for personal reasons. He again used it for personal reasons on or about October 6, 2005 and again on or about November 21, 2005.

Kanzaki admits that he violated the rule which requires officers to not use department equipment for personal use. He admits that conduct is unbecoming an officer. He admits that he used the ISP vehicle for personal or financial gain without authorization. He further admits that he used the mobile data computer for non-Illinois state business. Kanzaki denies that he failed to answer questions truthfully in an administrative interview on March 3, 2006 regarding his use of the squad car.



<b>Merit Board Docket #06-3</b>	<b>Sergeant Wallace Blatchford</b>	<b>Settled Prior to Hearing</b>
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This is an April 24, 2007 decision of the Board on a joint motion for decision. Blatchford was **suspended for 25 days** without pay. A copy of the joint motion was attached to the decision. (A copy of the joint motion was not disclosed.)

The Settlement Agreement of the parties provides that Blatchford voluntarily admits to all the allegations of Counts I and III. ISP agrees to dismiss Count II.

Blatchford is employed by ISP in the rank of Sergeant assigned to District Chicago. He has been employed since 1985. District Chicago offers various Hire Back programs which allows officers to earn overtime. There are specific guidelines for the reporting requirements.

On various dates (March 2, March 14, April 6, April 14, May 12, May 16, May 18, May 31, June 15, July 2, August 1, August 11, August 22, August 23, September 1, September 9, September 14, all in 2005) Blatchford listed citations which were not issued during the Hire Back period on his Hire Back sheet for the shift. Blatchford falsely documented enforcement activity on Hire Back sheets which should not have been listed. Between March 2005 and September 2005, he did so on 19 separate occasions.

Blatchford admits that he violated a department rule which requires that officers file reports that are truthful and complete. He further admits he violated the rule which requires officers to conduct themselves on duty in such a manner which reflects favorably on the Department. By falsely documenting this enforcement activity, he violated the rule.

<b>Merit Board Docket #06-2</b>	<b>Trooper Elliot Veal</b>	<b>Settled Prior to Hearing</b>
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This is a December 14, 2006 decision of the Board on a joint motion for decision. Veal was **suspended for 25 days**. A copy of the joint motion is attached to the decision. (A copy of the joint motion was not disclosed.)

The Settlement Agreement of the parties provides that Veal voluntarily admits all allegations to Counts I, II and III of the complaint. Veal is employed by ISP as a trooper assigned to District Chicago. He has been employed since 2001. District Chicago offers various Hire Back programs which allow officers to earn overtime.

Between May 2005 and October 2005, Veal falsely documented enforcement activity on Hire Back sheets on 24 separate occasions. This activity violates ISP rules which requires officers to submit truthful reports. He also admits that his conduct violated the department rule which requires officers to perform their duties with sufficient



competency. Veal also violated the department rule which requires officers to conduct themselves in such a manner as to reflect favorably upon the Department.

<b>Merit Board Docket #06-1</b>	<b>Trooper Troy M. Beverly</b>	<b>Settled Prior to Hearing</b>
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This is an August 16, 2002 decision of the Board on a joint motion for decision. Beverly was **suspended for 28 days**. A copy of the joint motion is attached to the decision. (The joint motion was not disclosed.)

The joint motion of the parties provides for certain stipulations. Beverly admits that he was employed with ISP as a trooper with the Illinois Gaming Board, Casino Rock Island Riverboat. He has been employed by ISP since 1984. He was assigned to the riverboat and his duties included reporting misconduct of casino employees.

The Gaming Board policies prohibit fraternization between agents and casino employees. Between November 2004 and July 2005, Beverly attended meetings where officers were reminded of the prohibition of fraternization. Since February 2001, Hansen had been employed as a cocktail waitress at the casino. Beverly and Hansen began a personal relationship in 2002 which ended in July 2005. They engaged in sexual relations while Beverly was on and off duty. On at least 6 occasions between 2002 and July 2005, Hansen performed oral sex on Beverly in an Illinois Gaming Board office while Beverly was on duty.

Beverly's conduct violated department rule which requires officers to obey a lawful order of a superior. He violated this rule when he had personal and sexual relations with an employee of the riverboat. He also violated the rule that officers will conduct themselves on and off duty in such a manner as to reflect favorably upon the Department. Beverly also violated the rule which requires officers to maintain a level of conduct in their personal and business affairs in keeping with the highest standards of the law enforcement profession. Finally, he violated the rule which prohibits officers from engaging in personal activities which knowingly create an apparent or real conflict of interest. Beverly's relationship with Hansen violated this rule.

Count IV and VI of the complaint were dismissed by ISP.

<b>Merit Board Docket #05-26</b>	<b>Trooper Rodge E. Stockwell</b>	<b>Full Hearing</b>
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This is a November 16, 2006 decision of the Board following a hearing before Hearing Officer Mark Mifflin. The findings of fact and conclusions of law were adopted by the Board. **Stockwell was suspended for 60 days.**

On December 29, 2005, Director Trent filed a 5-count complaint. The allegations relate to Stockwell's actions on July 5, 2005 and on July 28, 2005.



On July 5, Stockwell is alleged to have left a federally-funded construction zone detail before the end of a shift, failed to properly respond with reference to calls concerning a motorist needing emergency medical assistance, and failed to properly communicate with reference to his location and activities regarding leaving the construction zone detail and responding to the motorist needing assistance.

On July 28, 2005 Stockwell allegedly failed to report on time and provided false information to a telecommunicator when asked to provide his location.

The hearing officer found that Stockwell has been a trooper with ISP since 1987. On July 5, 2005, Stockwell was assigned to work on a "Give 'em a brake construction zone project" from 7 a.m. to 3 p.m. Stockwell admitted that he left the site without permission of a supervisor and did not advise the dispatcher he was leaving the site although both were required. He left early because he was delivering 68 citations to Clay County courthouse.

The hearing officer found there was no unwritten law or informal practice that allowed Stockwell to leave the assignment prior to the end of the shift. The hearing officer also found that Stockwell did not timely respond to the telephone calls for assistance and did not timely report that he had, in fact, been with Mr. Rodriguez (the motorist). As a result, Trooper Tolliver was forced to respond to the initial calls from the dispatcher to assist Rodriguez.

The hearing officer found Stockwell did not respond to the initial calls from the dispatcher about the medical emergency in the immediate area where he was because he was attempting to avoid disclosing that he was in this area which was a substantial distance from the construction zone assignment where he should have been. The hearing officer also found that Stockwell did not attempt to call for an ambulance to assist Mr. Rodriguez when he was first approached.

As to the July 28, 2005 incident, Stockwell was assigned to patrol in Effingham County on the 7 a.m. to 3 p.m. shift. However, he returned home and then lied to the telecommunicator as to where he was. He lied in order to avoid angering his Master Sergeant.

As to Count I, the hearing officer found ISP **proved Stockwell violated Rule 9 referencing the July 5, 2005 allegation that Stockwell left the GABZ detail early and without permission.** However, **with regard to the second allegation of his failure to report on time on July 28, 2005, ISP failed to prove this is a violation of Rule 9.**

Count II alleged that Stockwell provided false information to his supervisor through a telecommunicator. **Guilty.**

Count III alleged that Stockwell failed to properly perform his duties and assume the responsibilities of his position. **Guilty.**

Count IV alleged that Stockwell provided false information to the District telecommunicator which resulted in him failing to obey a lawful order of a superior. Stockwell understood that he was required by his Master Sergeant to provide his location to the telecommunicator. Instead, he provided false information. **Guilty.**

Count V alleged that Stockwell provided false information to his supervisor in violation of the rule that requires that officers will truthfully answer all questions directed to them. **Guilty.**

As to penalty consideration, Stockwell's Exhibit 1 is a group exhibit involving several cases which the officer believes are precedential authority for the Board. In aggravation, Stockwell was also suspended in 2003 for 20 days for misconduct relating to the videotaping of stops.

<b>Merit Board Docket #05-25</b>	<b>Lt. Colonel Richard A. Woods</b>	<b>Settled Prior to Hearing</b>
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This is a September 26, 2006 decision of the Board on a joint motion for a decision. Woods was **suspended for 35 days** beginning October 30, 2006. He can use 30 days of accumulated benefit time, other than sick leave, to satisfy his suspension. A copy of the joint motion is attached to the decision. (A copy of the joint motion was not disclosed.)

Woods stipulates that he has been employed by the Department since 1983 and holds the rank of Captain. He was assigned at the time to the Division of Operations in Region 4.

Two years prior to the allegations of the complaint, Woods loaned a certain amount of money to Robert Dye, which Dye failed to repay. On August 13, 2005, Woods was off duty and encountered Dye at a video store in Fairview Heights, Illinois. Woods demanded payment. Woods then pushed Dye and struck him on the chin with a closed fist.

Woods left the video store without reporting the incident to law enforcement or remaining at the scene for other law enforcement officers to respond. Woods believed Dye was acting in a threatening manner, although the parties agree this evidence may be in dispute. The parties agree that Woods could be found to have violated the rule which requires competency in the performance of duty.



This is a May 11, 2006 decision of the Board on a joint motion of the parties. York was **suspended for 30 days** without pay. A copy of the joint motion is attached to the decision. (A copy of the joint motion was not disclosed.)

The Settlement Agreement provides that York admits to all allegations made with regard to Counts I and II of the complaint. York admits that he was employed by the Department in the rank of Trooper assigned to District 16, Pecatonica, having been employed since 2002.

York admits that on May 24, 2005 he was dispatched to assist a conservation officer who was involved in a physical altercation while attempting to place a subject under arrest. He admits that rather than proceeding to assist the conservation officer he detoured and took another trooper to a car dealership in Freeport, Illinois.

York admits this conduct violated Department rules in that he failed to obey a lawful order of his superior to respond to a request for assistance at the State Park. York admits that he was not truthful when questioned as to why he was slow in responding to a dispatched assignment. Rather than give a truthful explanation, he said he had to stop for gasoline when, in fact, York took another trooper to a car dealership.

This is a May 11, 2006 decision of the Board on a joint motion of the parties. Domma was **suspended for 90 days** without pay. He may utilize up to 30 days of accumulated time to satisfy the period of suspension. A copy of the joint motion is attached to the decision. (A copy of the joint motion was not disclosed.)

The Settlement Agreement provides that Domma admits to Paragraph 1-9 of Counts I, II, III, IV, V and VI.

Domma admits that he was employed as a State Police Officer holding the rank of Trooper and assigned to District 2, Elgin. He has been employed by the Department since 2004.

Domma admits that on April 28, 2005 he encountered Jamal Schells on Interstate 290. Schells told Domma that he had an uncle that was an Illinois State Police Officer. As a result, Schells was taken by Domma to a nearby gas station. He was not searched or handcuffed. Domma did not notify District 2 communications of his encounter.

In fact, while at the gas station, Schells telephoned his girlfriend and Domma spoke to the girlfriend. The girlfriend told Domma that Schells had attempted to sexually assault



her. Domma told Schells of the girlfriend's accusations and also said he did not believe them. Domma left Schells at the gas station and did not complete a field report.

On April 29, 2005, the Addison Police Department was dispatched to an attempted criminal sexual assault and the parties involved were Schells and his girlfriend. On October 29, 2005 Domma submitted a report regarding the incident. On August 4, 2005 Domma was interviewed by DII and denied that the girlfriend had told him Schells had attempted to sexually assault her.

Domma admits that his actions violate Department rules which requires officers to properly perform their duties and assume the responsibilities of their positions. Domma admits that he violated Department rules which requires that a person needing assistance or making a complaint, either by telephone or in person, shall be treated in a courteous manner and properly and judiciously acted upon. Domma failed to investigate the girlfriend's allegation of criminal activity by Schells as well as the claim that Schells' vehicle was stolen.

Domma admits that he violated the Department rules that requires officers to conduct themselves in a manner which reflects favorably upon the Department. Domma admits that he violated Department rules which requires officers make proper notification to District 2 communications prior to transporting any passenger.

<i>Merit Board Docket #05-20</i>	<i>Trooper Bryan J. Coveyou</i>	<i>Settled Prior to Hearing</i>
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This is a January 20, 2006 decision of the Board on a joint motion of the parties. Coveyou was **suspended for 60 days** without pay. A copy of the joint motion is attached to the decision. (A copy of the joint motion was not disclosed.)

The Settlement Agreement provides that Coveyou voluntarily admits the allegations to Counts I, II and XIV and Paragraphs 1-11 of Count III. Coveyou admits that he holds the rank of Trooper and assigned to District 15, Downers Grove having been employed by the Department since 2004.

Coveyou admits that he arrested and issued a citation to Jaramillo for driving under the influence of alcohol. He also arrested and issued a citation to Kovatchev for driving under the influence of alcohol. He admits that he was approached by Trooper Caho on March 24, 2005 asking Coveyou if he could help Jaramillo keep his driver's license. Coveyou admits that he intentionally failed to comply with a subpoena to attend a hearing on April 21, 2005 with regard to the summary suspensions of Jaramillo and Kovatchev which resulted in the summary suspension being rescinded.

Coveyou admits that he told another trooper that he missed court because he was doing a favor for another trooper with regard to Jaramillo. Coveyou admits that he was



interviewed on July 22, 2005 and stated that he spoke to Special Agent O'Sullivan about Caho's request and that O'Sullivan told him nothing would happen if he did not appear in court for Jaramillo's statutory suspension, and if it did, she would handle it. O'Sullivan retired from the Department effective April 18, 2005.

Coveyou admits that he violated the Department rules of conduct which provides that officers will report for duty on time and respond to judicial subpoenas. Coveyou admits that he violated the Department rule that officers will attend court when subpoenaed. Further, he admits he violated the Department rule requiring officers to conduct themselves while on duty in a manner to reflect favorably upon the Department.

<b>Merit Board Docket #05-19</b>	<b>Trooper Eric Scott Caho</b>	<b>Settled Prior to Hearing</b>
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This is a November 2, 2006 decision of the Board on a joint motion of the parties. Caho was **suspended for 105 days** without pay and may utilize up to 30 days of accumulated time to satisfy the period of suspension. The joint motion is attached to the decision. (A copy of the joint motion was not disclosed.)

The Settlement Agreement provides that Caho admits to the allegations in Paragraphs 1-12 of Counts I and II, Paragraphs 1-11 in Count III, and Paragraphs 1-12 in Count of Count IV. Count III is voluntarily dismissed by the Department.

Caho admits he was employed as a State Police Officer since 2000 and holds the rank of Trooper assigned to District 15, Downers Grove. He admits he received a 1-day suspension in August 2003 for failing to record 13 traffic enforcement stops and failing to list 16 traffic stops on his log sheets. He admits he received a 2-day suspension in December 2004 for failing to operate his department issued squad car in a careful and prudent manner and for failing to report as an accident contact between his squad car and another vehicle.

Caho admits that on February 23, 2005 Trooper Coveyou arrested and issued citations to Kovatchev and Jaramillo for driving under the influence of alcohol that same day. Caho admits that he approached Trooper Coveyou asking for help so that Jaramillo could keep his driver's license. As a result, Trooper Coveyou did not comply with the subpoena that was issued to him and as a result, the suspension of Jaramillo's driver's license was rescinded. In addition, Coveyou failed to appear at the court hearing on Kovatchev's driver's license and therefore the statutory summary suspension was rescinded.

During an interview on July 22, 2005 by DII, Caho stated only that he asked Trooper Coveyou if he would object to the plea agreement but denied speaking to Jaramillo about the details of his pending case. In fact, Caho did speak with Jaramillo about his pending case including the possibility of a plea agreement and Trooper Coveyou's character.



Caho admits that he violated the department rule that officers would not interfere with cases being handled by other officers. He also admits he violated the department rule which prohibits officers from inducing a witness or other persons to make false statement or absence themselves. Caho admits he violated the department rule which requires officers to conduct themselves in such a manner as to reflect favorably upon the department.

**Merit Board Docket #05-18**

**Trooper Rosendo Mercado**

**Full Hearing**

This is a March 9, 2006 decision of the Board. The Board accepted the findings of fact and conclusions of law of Hearing Officer Carol Posegate. **Mercado was terminated by the Board.**

This proceeding was initiated by the Disciplinary Review Board which recommended Mercado be terminated. The recommendation followed an investigation by ISP into allegations that Mercado engaged in a pattern of threatening and abusive behavior toward his wife beginning with their marriage in July of 2003. Mercado also allegedly misused department issued equipment and was untruthful with investigators when interviewed during the course of the investigation. A 6-count complaint was filed.

Daisy Jimenez (ex-wife of Mercado) testified that she and Mercado were married in July of 2003. In May of 2004, while at a laundromat, Mercado accused Jimenez of looking at another man. When they returned home, Mercado was still upset and after some pushing and shoving, Mercado followed Jimenez into the bathroom and banged her head against the wall, covering her mouth and nose with his hands. This lasted between 3-5 minutes. Jimenez did not seek medical treatment.

Jimenez typically weighs between 109 and 115 pounds. In May of 2004, Jimenez weighed 85 pounds. She lost weight after her marriage because she was sick all the time. She was always scared and nervous.

In May of 2004, Mercado was investigated for abuse of Jimenez which resulted in a 2-day suspension for Mercado. Mercado also told Jimenez that he always ran her license plate to see if she was in a certain place at a certain time. When ISP spoke to Jimenez in May of 2004, she did not tell them what was happening in the marriage because she was going to file for divorce. She wanted the investigation to go away and get on with her life.

Verbal and physical abuse continued until the marriage ended in March of 2005. Once, when Jimenez went to the emergency room, she was given a crisis counselor to talk to. That was therapist Cynthia Grant who she saw for 7-8 months.

Jimenez gave a voluntary statement during the 2004 investigation in which she admitted she lied to ISP because she was worried Mercado would never give her a divorce



otherwise. Before the marriage, Jimenez was prescribed Paxil for anxiety. During the marriage, she began taking Effexor.

Jimenez moved out of the house November 2004 after she contacted ISP to tell them she had given a false statement. Jimenez never told Mercado she had attempted suicide nor has she ever tried to commit suicide. Mercado told Jimenez he had tried to hang himself once and another time took 22 pills but she does not know when that occurred.

Teri Wysocki is a Field Specialist for ISP. She testified that using the LEADS system for personal reasons is a violation of the rules.

Cynthia Grant is a clinical social worker in private practice since January of 2004. She first saw Jimenez on February 4, 2004. The diagnosis was major depressive disorder without psychotic features. In her opinion, the symptoms were caused by marital conflict. She believes Jimenez is a victim of physical abuse. Jimenez said she was having problems at work, had withdrawn from friends and gave very vivid details regarding specific abuse of situations. Jimenez testified that Mercado pointed his gun at her on several occasions and threatened her. It is not unusual that women of domestic violence deny they are being abused. Grant believes that one of the biggest reasons Jimenez did not immediately report the abuse is that Mercado is a police officer and he would lose his job.

Colonel Brueggeman has been with ISP for 20 years. He oversees division operations. Based on the complaint, if Mercado caused bodily harm between February 2004 and October 2004, this is a violation of Department policy and the Department will seek termination. He used a weapon as a tool which is unconscionable. (One of the allegations is that Mercado used a gun to threaten Jimenez.) Furthermore, use of the LEADS system for personal reasons is impermissible. Discipline for a trooper is not determined by precedent but instead on a matrix system.

Mercado has been a trooper since December 2002. In October of 2004 he received a 2-day suspension and received a copy of his DII file and determined that Daisy Jimenez' mother filed the complaint against him. From the beginning of their marriage, Jimenez and Mercado argued and Jimenez' mother hated Mercado.

Mercado denies that he had an argument with Jimenez in July of 2003 and claims he never pointed his weapon at Jimenez. He denies that he shoved Jimenez in May of 2004 and denies he banged her head against the wall. Jimenez told him that she was taking antidepressants and saw a psychiatrist prior to their marriage and that she had tried to kill herself when she was a little girl. Mercado never tried to commit suicide.

Mercado denies forcing his way into the bathroom. Mercado claims he wanted the divorce but let Jimenez file. He denies he kicked the dog. He admits to "playing around" with the LEADS machine when he had time on his hands.

Mercado claims Jimenez repeatedly called him after they separated and they constantly argued over finances and other matters. Mercado was saddened but not angry when he learned in May of 2004 that he was alleged to have committed domestic abuse.

As to the findings of fact, the hearing officer found that Mercado has been an ISP officer since June of 2002 and started active duty as a State Trooper in December of 2002. Mercado and Daisy Jimenez were married in July of 2003 and from the beginning had frequent verbal and physical altercations.

In October of 2004, Mercado received a 2-day suspension for bringing the Department into disrepute by being involved in multiple incidents of loud, domestic disputes with his wife when his family, friends and neighbors were aware he was a member of the Department.

As a result of the verbal and physical abuse, Jimenez sought counseling over a period of months beginning in February of 2004. The counselor diagnosed Jimenez of having a major depressive disorder which she believed was caused by marital conflict and determined that Jimenez was a victim of physical abuse.

The hearing officer found on two occasions during the marriage, Mercado threatened Jimenez with a State-issued weapon. In June of 2004, the Chicago Police Department came to Trooper Mercado's apartment during a physical and verbal altercation but no one permitted them entry and Mercado did not report the incident to his employer.

The hearing officer found Mercado was not truthful when he told a police investigator in June of 2005 that he was unaware that the Chicago Police Department responded to a call of domestic violence between himself and Jimenez at their apartment. Between July 2003 and October 2004, Mercado used the State LEADS system on multiple occasions to run his wife's license plate for non-law enforcement purposes.

As to conclusions, the hearing officer found that **ISP proved all counts and therefore Mercado was guilty of all violations as alleged.**

<b>Merit Board Docket #05-17</b>	<b>Trooper Craig M. Mihaljevich</b>	<b>Full Hearing</b>
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This is a November 16, 2006 decision of the Merit Board following a hearing before Hearing Officer Tom Johnson. Mihaljevich was **suspended for 3 days**. The Merit Board adopted the findings of fact and conclusions of law of the hearing officer.

The Board adopted the hearing officer's findings of fact and conclusions of law. ISP sought to suspend Trooper Mihaljevich for 180 days for violation of rules and conduct as alleged in 4 counts. The testimony is summarized in the hearing officer's findings.



Sgt. O'Reilly is a 20-year veteran of ISP. The allegations of the complaint stem from an incident on January 20, 2006. There is a dispute as to whether Mihaljevich actually appeared in court on overtime as claimed. Sgt. O'Reilly testified that he denied Mihaljevich overtime because Mihaljevich could not prove he was in court and O'Reilly did not see him in court.

Count I involves Mihaljevich's failure to conduct himself in a manner favorable to the Department when he filed for 7 hours of overtime for a court appearance and there was no proof he attended court.

Count II alleged failure to report to court which is a violation of the Rules of Conduct.

Count III alleged a violation of the Rules of Conduct because the Trooper caused a false entry of overtime. While the entry was later withdrawn, he still initially falsely filed for overtime.

Count IV is failure to answer truthfully the DII investigation which violates the Rules of Conduct. This is based on two conversations Mihaljevich had with Sgt. O'Reilly where he indicated he was in a courtroom and later denied it and where he indicated he was not offered a utility car when he was.

The Director of ISP recommended 180 days of suspension and Col. Nelson recommended termination.

Mihaljevich testified that he's been employed by ISP for 11 years and always assigned to District Chicago. In October of 2004 he was injured while on duty after being hit by a drunk driver in a car going 60 mph. He was off work until January 13, 2005 due to severe neck and back injuries. When he returned, he was assigned a marked car.

On January 18, 2005, Mihaljevich was assigned to sit in front of the Governor's house in his car. The car he was assigned was not drivable. He asked for a marked car but was told that it was held back for emergencies. Accordingly, he was issued an unmarked car because he was on a day off before he went to court. He was never offered a marked car. He would have taken it if it had been offered. Marked cars are required for court and patrol.

Mihaljevich testified he knew he had not written tickets over the last 3 months so he would have no cases up in CL-01. He arrived at the courthouse at noon and he was already late and went directly to room 408. He did not see any troopers there. He did not sign in. The next day he was told by Sgt. O'Reilly to write a memo and he did so.

Mihaljevich made a claim for 7 hours overtime because he was approved to go to court and did. He was never notified that any case was dismissed because of his failure to appear in court. He argued with his sergeant when the overtime claim was denied. However, when the overtime hours showed up on his pay status, he took the overtime

hours off because the overtime had been denied. He advised his supervisors he had taken that action. He did not call in because he was running late and had no radio or cell phone.

On January 18, Mihaljevich was not offered any utility car or a marked car. Mihaljevich left for court on January 20, 2005 at 9:45 a.m. from his post. He took off his portable radio due to continuing back pain from the extra weight. He was in the courthouse for only 15-20 minutes and was frustrated by the whole day and did not think to sign in. He went off duty at 3 p.m. but only put in for 7 hours.

Mihaljevich admits a violation of Count II because he did not appear at his scheduled court call on time on January 20, 2005 but denies the remaining three counts.

The hearing officer found that Mihaljevich did not make the 11 o'clock court appearance in Chicago and did not contact his supervisors prior to court to advise he would be delayed. However, the records show that Mihaljevich did arrive at his District Chicago post at 8 a.m. the morning of January 20, 2005 and Mihaljevich did take the tollway toward the courthouse at approximately 9:41 a.m.

The evidence showed that Sgt. O'Reilly told Mihaljevich that he was denying his claim for overtime because he had not signed in. When the monthly overtime report came in, Mihaljevich checked it and he was still awarded the overtime. Mihaljevich then removed the 7 hours and notified his supervisors.

The central issue is whether Mihaljevich actually went to court on January 20, 2005 and whether he lied about having been offered a marked car on January 18 or 20, 2005 or lied to Sgt. O'Reilly on January 21, 2005 stating he was in courtroom CL-01 on January 20, 2005 rather than room 408.

The hearing officer found that Mihaljevich did attempt to get a marked car on January 18, 2005 to attend court and was not given one. Mihaljevich also showed up the morning of January 20, 2005 to swap his unmarked car for a marked car but Trooper Wonsey (who takes care of the cars) never showed up prior to the time Mihaljevich had to report to court.

There is confusion regarding the availability of marked cars. ISP bears the burden and therefore the issue must be resolved in favor of Mihaljevich. The evidence shows that Mihaljevich did attempt to get to court on January 20, 2005. ISP failed to carry the burden of establishing that Mihaljevich was not present at the courthouse on January 20, 2005.

Finally, the question whether or not Mihaljevich lied to Sgt. O'Reilly is based on credibility. Mihaljevich's testimony was more credible.



The hearing officer found as follows:

- Count I – alleged a failure to conduct himself on and off duty in a manner that reflects favorably upon the Department. **Not Guilty.**
- Count II – alleged a failure to report for duty at the time and place required. **Guilty.**
- Count III – alleged a failure to submit all necessary reports on time and truthfully. **Not Guilty.**
- Count IV – alleged a failure to truthfully answer questions during an investigation. **Not Guilty.**

There were no factors offered in aggravation.

As to mitigation, Mihaljevich had been on a 3-month leave due to injuries received in the course of duty. His first court appearance since returning to work was on January 20, 2005 which was a scheduled day off for him. Mihaljevich's marked vehicle was not properly repaired during his leave so was unsafe and undrivable. Mihaljevich appeared at District Headquarters at 8 a.m. on January 20 in an attempt to get a marked car. I-PASS records support his testimony that he went to court on January 20, 2005. There is no uniform policy requiring troopers to sign in and out of court. Mihaljevich's supervisor denied his request for overtime and Mihaljevich removed the denied hours for overtime.

In further mitigation, Mihaljevich argued the discipline imposed was disproportionate to that accorded other officers in similar or worse circumstances. Mihaljevich has no disciplinary record. The cases showing prior ISP discipline were as follows:

- 1) 1994 **letter of reprimand** to Trooper **Stahr** for failure to appear at county court for a trial.
- 2) 1995 **3-day suspension** to Trooper **Robin S. Gooch** for failure to appear in court for scheduled hearing resulting in charges against defendant being dismissed.
- 3) 1995 decision by ISP Merit Board suspending Trooper **Kienlen** for **5 days** for conflict of interest in issuing traffic citations for failure to wear seatbelts to two employees of a contractor engaged in building Kienlen's new residence.
- 4) 1999 ISP disciplinary action for Trooper **Watts**. **15-day suspension** for unauthorized absence from an assigned duty post twice and receiving time and half pay from federal funds for periods he did not work.

- 5) 1999 decision by ISP Merit Board **suspending Trooper Callaghan for 90 days** for unauthorized use of an arrestee's car for an undercover drug investigation and then lying to DII regarding the incident. Failing to report the initial arrest and the reason for it.
- 6) 2001 ISP disciplinary action of **1-day suspension** of Trooper **John Carroll** for failing to appear in court for a jury trial.
- 7) 2001 ISP disciplinary action of **20-day suspension** for Master Sergeant **Frank Deberry** for working only 6 ¼ hours of an 8-hour shift, not wearing his uniform when required, not responding to a personal injury accident involving subordinate and displaying conduct discrediting and impairing the operations of the Department.
- 8) 2004 ISP disciplinary action of **25-day suspension** of Trooper **James Seay** for having inappropriately stored his MDC and Glock 22 issued by the State in his personal car, failed to protect the crime scene when those items were stolen from his car, used his Department vehicle for transport outside the State for non-State business and without authorization and lying about being authorized to drive his vehicle outside the State in his administrative interview.
- 9) 2004 ISP Merit Board decision of **90-day suspension** to Trooper **Robert G. Swift** for 23 falsified MCS truck inspection reports from August 1999 to April 2003 for one individual and 6 false inspection reports for another individual between September 2002 and April 2003.
- 10) 2005 ISP disciplinary action of **23-day suspension** to Master Sergeant **Frank Deberry** for reporting to work for ISP and a secondary employer for the same time period on three different days and driving his State squad car on the shoulder of Interstate 90 with emergency lights on to travel to a secondary employment.

<b>Merit Board Docket #05-16</b>	<b>Trooper Antone Stewart, Jr.</b>	<b>Full Hearing</b>
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This is a January 20, 2006 decision of the Merit Board following a hearing before Hearing Officer Ron Stone. The Merit Board adopted the findings of fact and conclusions of law of the hearing officer. The Board **suspended Trooper Stewart for 15 days**.

This is a 2-count complaint. Stewart has been employed as an ISP Trooper since October 10, 1983. In a prior case, Stewart received a 7-day suspension on November 20, 2003 for purchasing a used piece of exercise equipment from an individual who was implicated in a theft investigation, for failing to complete reports of two interviews and for



failing to conform to work standards and failing to take appropriate action. Stewart also received a 2-day suspension on November 25, 2004 for failing to report for duty, appearing in court on a personal matter while on duty status, utilizing his assigned department vehicle without proper notification to a supervisor, and for entering himself on a status code of indicating he was in court for a work-related matter when he was actually in court for a personal matter. Stewart received a 5-day suspension on November 4, 2004 for conduct unbecoming an officer when he failed to timely pay a debt and fully cooperate with DII.

With regard to the current allegations, in October 2003, there was an ongoing drug conspiracy investigation against Jerel Brown. Doug Farmer was also a suspect. Between October 6, 2003 and November 5, 2003, Stewart made 15 telephone calls using his cell phone to two telephones under Farmer's control. These were not for official duty. The phone calls to Farmer were not unavoidable because of family relationships.

Farmer was a person who had a reputation in the community for present or past involvement in felonious or criminal behavior. Stewart knew of Farmer's reputation for criminal activity.

The hearing officer found Stewart **guilty of Count I** in that he failed to avoid association with persons who have a reputation in the community for present or past involvement in criminal behavior.

**As to Count II, Stewart is guilty** of failing to conduct himself on and off duty in a manner which favorably reflects on the department. This is based on the fact that on November 23, 2003, Stewart asked Dawson if Farmer was "hot on the wire". This inquiry contributed to the fear of a compromise of a pending criminal investigation.

In aggravation, there is Stewart's prior disciplinary history as outlined above. Furthermore, Stewart's contacts with Farmer caused a strain on the relationship with other law enforcement agencies because of the potential of a compromise of a criminal investigation.

In mitigation, there is no evidence of any leak of information to Farmer. The investigation was not jeopardized. There is no evidence of any illegal activity on the part of Stewart.

Also offered in mitigation were prior ISP disciplinary cases as follows:

**1) Special Agent Cleotha Jones. 1992 ISP discipline of 30 day suspension.**

Special Agent Jones became romantically involved with a confidential source. She failed to obey an order to abstain from contact with the confidential source pending completion of the investigation. Jones transported the

confidential source in his department vehicle and failed to maintain a telephone in his residence. Jones further directed the confidential source to make false statements to investigative agents and to take other actions to withhold or conceal information regarding the investigation. Deputy Director Nelson agreed the conduct in Jones was more serious than with Stewart.

2) Master Sergeant **Jimmie Hinkle. 1995 ISP suspension of 20 days.**

Hinkle had a continuous personal association with a female who was involved in criminal activity and had a reputation for abusing drugs. He allowed this female to ride in his department vehicle. He was not truthful in answering question during his administrative interview about the female riding in his squad car. He failed to report and obtain proper authorization for repairs made to his squad car. Deputy Director Nelson agreed the conduct seemed more serious than Stewart's.

3) Special Agent **Otha B. O'Neal. 1996 ISP discipline of 2-day suspension.**

The document itself does not specify the conduct. Deputy Director Nelson was aware the conduct involved an intimate relation with a girlfriend of a subject he had previously investigated.

4) Special Agent **Mark Galindo. 2000 ISP discipline. 10-day suspension.**

The conduct is not set forth in the document. Deputy Director Nelson indicated the case involved Galindo actively participating in a sexual relationship with a confidential source that had a criminal history.

<b>Merit Board Docket #05-15</b>	<b>Trooper Daniel E. Osenberg</b>	<b>Settled Prior to Hearing</b>
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This is an April 6, 2006 decision of the Merit Board on a joint motion of the parties. Osenberg was **suspended for 15 days without pay and ordered to pay the amount of \$75 as restitution.** The joint motion is attached to the decision. (A copy of the joint motion was not disclosed.)

The Settlement Agreement provides that Osenberg admits to Paragraphs 1-9 of Counts I, II and III. Osenberg admits he was employed by ISP since 1997 as a Trooper and is assigned to District Chicago. He admits he received a 1-day suspension on October 20, 2003 for failing to work 3 federally-funded Hire Back details. Osenberg admits he received a 2-day suspension in September 2004 for failing to follow order, abusing sick time, poor activity and poor time management.

Osenberg admits that on September 18, 2004, he issued two traffic citations and obtained a cash bond from Demetrio Sanchez. When Sanchez appeared in court, the



traffic citations were dismissed because there were no records of the citations or the cash bond on file. Osenberg admits that he did not deposit the cash bond and did not complete the receipt log. Osenberg only recalls placing the original citations and cash bond in the passenger side sun visor of his squad car.

Osenberg admits that his conduct violates the rules of conduct which requires officers to conduct themselves in a manner which reflects favorably upon the department. Osenberg admits that this conduct violates the rule that requires officers maintain sufficient competency to properly perform their duties and assume the responsibility of their position. Osenberg admits that his conduct violated department rules in that all property or evidence will be processed in accordance with department procedures.

<b>Merit Board Docket #05-13</b>	<b>Trooper Gregory Jones</b>	<b>Settled Prior to Hearing</b>
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This is an August 16, 2006 decision of the Board on a joint motion of the parties. Jones was given a **5-day suspension without pay**. He may utilize up to 30 days of accumulated time, other than sick time, which has accrued as of the date of any suspension, to satisfy the period of suspension in lieu of days off without pay. A copy of the joint motion is attached to the decision. (A copy of the joint motion was not disclosed.)

The Settlement Agreement provides that Jones voluntarily admits to certain allegations and ISP agrees to dismiss Count II of the complaint. Jones agrees that he has been employed by ISP since 1985, holds the rank of Trooper and is assigned to District Chicago.

Jones admits he received a 5-day suspension in 2001 for failing to timely file his Illinois individual tax returns for tax year 1997, 1998 and 1999. Jones agrees he received a 30-day suspension in 2002 for insubordination after he was ordered by the Director of the Illinois State Police to file his Illinois individual tax returns for tax years 1997 and 1999 and failed to do so within the 45 days.

Jones admits that on June 3, 2004 he issued a written warning but did not turn it in to District Headquarters until December 15, 2004. He admits that he issued a written warning on June 4, 2004 and did not turn it in until December 15, 2004. He further admits that on December 4, 2004 he completed a field report but did not turn in the field report until December 26, 2004.

Jones admits that the department directive requires a regional field report to be sent within 10 days of completion. Jones admits that the department directive requires an original and one copy of completed traffic accident reports be forwarded within 5 days of the date of the accident. He admits that District Chicago policy provides that citations



and written warnings shall be turned in within 48 hours of completion. He admits that he violated the rule that requires officers to submit all necessary reports on time.

**Jones agrees to withdraw his discrimination complaint which he filed with ISP's EEO office. He also agrees to waive his right to file an EEOC and IDHR claim.**

<i>Merit Board Docket #05-12</i>	<i>Trooper Chad R. Martinez</i>	<i>Settled Prior to Hearing</i>
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This is an April 6, 2006 decision of the Board based on a joint motion of the parties. Martinez was given **120-day suspension** without pay and may use up to 30 days of accumulated time, other than sick time, to satisfy the period of suspension. A copy of the joint motion is attached to the decision. (A copy of the joint motion was not disclosed.)

The Settlement Agreement of the parties provides that Martinez admits to paragraphs 1-15 of Count I, all the allegations of Count II, and paragraphs 1-15 of Count III. Martinez admits to all the allegations of Count IV, paragraphs 1-15 of Count V and all the allegations of Count VI.

Martinez has been employed with ISP since 2000. He is assigned to District 15, Downers Grove. He received a letter of reprimand on March 22, 2004 for a preventable squad car accident.

On December 12, 2004, Martinez consumed alcohol before driving his personal vehicle to the riverboat casino while off duty. He then parked his personal vehicle in the handicap area telling the valet that he was going to see someone and displayed his department credentials. He said he would be back in 5 minutes but he was not. Several minutes later, Martinez was approached by an IGB agent and denied that he was at the casino to speak to anyone and denied that he told the valet his purpose was to see someone. He then became argumentative with the agent and refused the request that he sit down after he had difficulty standing. Martinez refused to discuss the situation with the agent and instead began making telephone calls on his cell phone.

On December 12, 2004, several officers observed Martinez displaying signs of being intoxicated. His holster and weapons were removed for safety reasons. He was evicted from the riverboat casino for one year as a result. Arrangements were made to have Martinez' wife drive him home from the casino. Thereafter at 4:00 a.m. on December 12, 2004, Martinez telephoned his supervisor and apologized for the problems he had caused.

Martinez was interviewed on April 11, 2005. During the interview he denied telling the valet on December 12, 2004 that he was there to see someone. Martinez claims that he showed the valet his credentials because he did not want the valet to be alarmed because his holster and weapons were visible.



Martinez admits that his actions violated the department rule which requires officers maintain the highest level of moral conduct in their personal and business affairs. Martinez admits that he violated the rule which requires officers to refrain from consuming alcohol to the point that they cause a disturbance. Martinez admits that he violated the rule that officers will not use their official position for personal gain for themselves. Martinez used his credentials to secure free parking in the handicap valet area and to obtain free admission to the riverboat casino. Martinez admits that he violated the department rule that officers will conduct themselves in a manner to reflect favorably upon the department by his actions of December 12, 2004.

<b>Merit Board Docket #05-11</b>	<b>Lieutenant Thomas E. Ceja</b>	<b>Full Hearing</b>
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This is a May 24, 2006 decision of the Board following a hearing before Hearing Officer Mark Mifflin. The Board adopted the hearing officer's findings of fact and conclusions of law and voted to **suspend Ceja for a period of 90 days.**

The complaint includes 9 counts of violations and seeks suspension of Ceja for a period of 120 days. Ceja has been with ISP since 1983. He has held a variety of titles. All of the allegations of wrong doing relate to Ceja's actions while serving as Commander of the Executive Protection Unit.

As to Count I, the hearing officer found that the acceptance of tickets at a boxing match by Ceja did not constitute conduct unbecoming an officer. Furthermore, the hearing officer found that Ceja did not spend an additional night in California and therefore did not engage in conduct that discredited the integrity of the department and constituted conduct unbecoming an officer. However, Ceja is guilty of permitting a civilian Jordan to use his NGSa pin during her attendance at the Paul Simon funeral. This was conduct unbecoming an officer. However, Ceja is not guilty of providing an NGSa pin to citizen Daly as alleged. Ceja is not guilty of providing Ms. Arens, the Governor's scheduler, with an NGSa pin.

The hearing officer found that Ceja did discredit the integrity of the department by travelling to Chicago to attend a symphony with Ann Chandler claiming that he was unaware that an official meeting had been cancelled in Chicago.

The hearing officer found that the activity of Ceja in the removal of information from the Mansion Gate log referencing the traffic accident involving Trooper Perez was inappropriate and discredited the integrity of the department.

As to the allegation that Ceja transported Mary Stewart, a state employee, in a department vehicle was not proven.

Finally, the hearing officer found that Ceja did not engage in inappropriate conversation with Ann Chandler because the conversation was not unwelcome. In summary as to Count I:

- a. **Some allegations: Guilty**
- b. **Some allegations: Not Guilty**

Count II involves a violation of a rule of conduct which requires officers perform their duties with the highest standards of efficiency. Ceja is guilty of providing an NGSA pin to Jordan Smith which violated this rule. Ceja's failure to attend a Secret Service training for members of EPU in Springfield did not violate the rule in that Ceja attended a similar training session in Chicago. Furthermore, the failure of Ceja to require new EPU members to attend the training session when the training session was not mandatory, does not result in a violation of this rule.

It is not a violation of a rule of conduct to allow Master Sergeant Matykiewicz to transport his son and Mary Stewart in his vehicle. When Ceja allowed Rich Hanson, a member of the Governor's staff to drive Trooper Joyner's ISP vehicle while in Washington, D.C., he violated the rules of conduct. With respect to Ceja's actions related to Mr. Hanson, reporting the traffic accident involving Trooper Perez and deleting reference in the Mansion log at the direction of the Governor's office but not keeping the ISP Director's office advised, Ceja is guilty.

Ceja is guilty of not properly performing his duties when he personally made arrangements for himself and Chandler to stay at the Congress Hotel in Chicago at a price in excess of the approved State lodging rate. In summary as to Count II:

- a. **Some allegations: Guilty**
- b. **Some allegations: Not Guilty**

As to Count III, Ceja is alleged to have acted in a way that violated a rule that officers may not use their official position for personal or financial gain, to obtain privileges not otherwise available or to avoid the consequences of illegal acts. The motivation for Dr. Rosen to provide the boxing tickets to Ceja had nothing to do with his official position and therefore Ceja did not violate this rule of conduct. Ceja did not remain in California in order to attend the boxing match but rather because he had already planned to stay in California. The Department has failed to prove a violation of the rule of conduct in Count III. **Not Guilty.**

Count IV alleged that Ceja did not truthfully answer questions at an administrative interview on December 15, 2004. The hearing officer found that Ceja was not untruthful when Ceja referred to Dr. Rosen as a friend from high school.

The hearing officer found that the department failed to prove that Ceja provided an NSGA pin to any other civilian. The hearing officer found that it was not untruthful for Ceja to advise investigators that when he spoke with Ron Watkins this was not an issue with NGSA to provide a pin to someone else.



The hearing officer found that the department did prove that Ceja violated this rule when he told the investigator that the meeting on June 10, 2004 was cancelled while he was on his way to Chicago. The hearing officer found that Ceja's testimony that his meetings with Ann Chandler and friends were merely an extension of work and were not social activities was not true and therefore a violation of department rules.

Finally, the department proved that Ceja did not tell the truth when he told DII that he deleted the gate log information at the direction of the Governor's office. In summary as to Count IV:

- a. **Some allegations: Guilty**
- b. **Some allegations: Not Guilty**

Count V alleged that Ceja engaged in social activities during 2003 and 2004 with Chandler outside the work place which violates the rule that personal activities or associations that create a conflict of interest are prohibited. The hearing officer specifically found that the department had proven that Ceja violated this rule with his ongoing social relationship with Ann Chandler. **Guilty.**

Count VI alleged that Ceja violated the rule that requires supervisory personnel to be held responsible for their subordinates to adhere to department rules and regulations. The hearing officer found that it was appropriate for Ceja and Matykiewicz to stay in California the night of June 21 to attend a boxing match. Ceja was not required to take any further action with reference to Matykiewicz' behavior.

The hearing officer found that the Director was not required to approve Matykiewicz' son to accompany him on this trip nor was there any violation of the rules when Mary Stewart, as a State employee, rode in an ISP vehicle and Ceja authorized Trooper Perez to transport his daughter in an ISP vehicle.

Ceja did violate this rule by failing to require his subordinates with the EPU to be current with reference to their training requirements. The officer found there was no violation of the rule when Ceja took Ann Chandler to go rappelling on June 30, 2004 on state time. It was the prerogative of Ceja to expose Chandler to the various components of training of those employed by the department. In summary as to Count VI:

- a. **Some allegations: Guilty**
- b. **Some allegations: Not Guilty**

Count VII alleged that Ceja violated a rule that requires supervisors to be responsible and accountable for the maintenance of discipline and to provide leadership, supervision and example to the department. The hearing officer found that Ceja's actions with regard to acceptance of the boxing tickets as well as remaining in California until June 22 is not a violation of this rule.

The hearing officer found that Ceja's actions in providing the NGSA pin to Jordan Smith violated this rule governing his supervisory responsibility.

The department has proven that the one occasion when Ceja and Chandler travelled to Chicago for a meeting that had been cancelled and spent the night at state expense in Chicago did violate this rule.

The hearing officer found that the department had proven a violation of this rule when Ceja ordered the removal of Mansion Gate logs relating to the automobile crash of Trooper Perez. Ceja's failure to notify the department of these incidents is also a violation of the rule.

The hearing officer found that Ceja's testimony during the administrative investigation in which he admitted he personally knew Jordan Smith when he gave her the NGSA pin was not a violation of the rule. Ceja was being truthful.

While Ceja may have expected his subordinate supervisors to take care of training personnel with EPU, Ceja was responsible for this training requirement and therefore violated this rule. However, the hearing officer found the department did not prove that Ceja violated the rule when he failed to attend a one-day training session in Springfield. The hearing officer found that Ceja's sending of supervisors to the training sessions offered by the U.S. Secret Service was not a violation of this rule but rather within the discretion of Ceja.

The hearing officer specifically found that Ceja violated this rule when he travelled to Chicago on June 10 and stayed overnight with Ann Chandler attending a symphony and dinner at an increased cost when the department meeting had been cancelled.

The hearing officer found that Ceja did not violate the rule when he failed to establish clear and concise direction to his subordinates regarding EPU procedures for transportation of protectees. In summary as to Count VII:

- a. Some allegations: Guilty**
- b. Some allegations: Not Guilty**

Count VIII alleged Ceja violated a rule requiring employees to submit travel vouchers and accurate travel requests. The hearing officer found Ceja violated this rule when he travelled to Chicago on June 10, 2004 after learning the meeting had been cancelled. **Guilty.**

Count IX alleged Ceja violated a rule requiring officers to submit all necessary reports on time according to established department procedures. The hearing officer found that the delay of over 3 months in filing a field report with regard to a gun that was stolen was a violation of a timely filing requirement.



The hearing officer found that Ceja failed to properly respond to allegations of Trooper Harms that property damage resulted from an accident he had with Trooper Perez on August 26, 2004. Ceja ultimately determined there was no accident based on the statements of Trooper Perez despite written reports to the contrary. In summary as to Count IX:

- a. **Some allegations: Guilty**
- b. **Some allegations: Not Guilty**

Overall, the conclusion of the hearing officer is as follows:

Count I – **Guilty as to some of the allegations**  
Count II – **Guilty as to some of the allegations**  
Count III – **Not Guilty**  
Count IV – **Guilty as to some of the allegations**  
Count V – **Guilty as to some of the allegations**  
Count VI – **Guilty as to some of the allegations**  
Count VII – **Guilty as to some of the allegations**  
Count VIII – **Guilty as to some of the allegations**  
Count IX – **Guilty as to some of the allegations**

There was no evidence offered in aggravation or mitigation. Director Trent's recommendation was that Ceja be suspended for a period of 120 days.

<b>Merit Board Docket #05-10</b>	<b>Master Sergeant Thomas J. Evoy</b>	<b>Full Hearing</b>
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This is a March 9, 2006 decision of the Board in which the Board adopted the findings of fact and conclusions of law of Hearing Officer Ed Williams. Evoy **was suspended 180 days** by the Board effective May 13, 2005. Therefore, his suspension ended November 9, 2005 and he was ordered to receive back pay beginning November 9, 2005.

The Director filed an 8-count complaint on May 10, 2005. The complaint involved Evoy's secondary employment. Evoy was promoted to Master Sergeant in September 1998. In 2001 he received a 5-day suspension for losing his badge. In 2002 he received a 5-day suspension for failing to wear the uniform of the day. In 2004 he received a 5-day suspension for making an inappropriate comment in front of a female trooper.

During the course of his employment Evoy has filled out 4 or 5 secondary employment applications. The factual findings show that the June 2001 secondary employment application stated that Evoy was working 15 hours per week and 60 hours per month. This information changed in 2004.

In December of 2002 Evoy incorporated Evoy Enterprises and used the ISP internal mail system and fax machines for EEI-related work. In March 2003 Evoy submitted an application requesting FMLA for a gout condition. This application was approved.

Count I alleged that Evoy failed to submit a secondary employment request when he owned and operated EEI. The evidence showed that Evoy's application for secondary employment in June 2004 was not timely in that he should have submitted the application prior to the commencement of his secondary employment. **Guilty.**

Count II and IV deal with Evoy's engaging in secondary employment which conflicted with his ISP work and engaged in secondary employment which exceeded the number of hours he had permission to work and failed to submit an amended secondary employment request which reflected he was not the president of ODI. As to **Count II**, ISP failed to prove that Evoy performed any duties on site at UPS while on ISP duty time. **Guilty.**

As to **Count IV**, it was shown that Evoy failed to update his request for secondary employment and also regularly worked hours in excess of what he reported as a request for secondary employment. **Not Guilty.**

As to **Count V**, this is an allegation that Evoy utilized FMLA sick leave concurrent with his secondary employment. **Not Guilty.**

**Counts III and V** both relate to allegations that Evoy utilized ISP equipment during secondary employment. There are exceptions to that rule. Examples were given. **Not Guilty.**

**Counts VII and VIII** allege that Evoy was not truthful during an administrative interview. It is alleged Evoy submitted false time sheets to Circuit City, Inc. The evidence does not support this allegation. **Not Guilty.**

In summary, the Department proved that Evoy owned and operated a private business (EEI) for which he failed to submit a secondary employment request. The Department proved that Evoy used the telephone fax machines belonging to the Department for his secondary employment and used the Department's interoffice mail system to deliver ODI correspondence and payroll checks. The Department proved that Evoy failed to submit an amended secondary employment request when he was working substantially more hours than he had permission to work.

Evoy is a 21-year veteran. He utilized Department equipment for personal use and failed to adhere to the secondary employment policy of the Department. These are low level violations. In aggravation, Evoy was suspended three times for 5 days each between 2001 and 2004.



This is a September 7, 2005 decision of the Board based on a settlement agreement and general release submitted by the parties. Jennings was **suspended 60 days** without pay with the option of buying back 30 days pursuant to the terms of the CBA. The settlement is attached to the decision. (A copy of the settlement agreement was not disclosed.)

The Settlement Agreement provides that Jennings admits to certain paragraphs of the complaint. Jennings admits that he was employed by ISP in the rank of trooper assigned to District 11, Collinsville. He has been employed since 1985.

Jennings admits he conducted a traffic stop of Carla Williams on October 11, 2004. He admits that he had Williams sit in his squad car while her three children remained in her car. He admits that he failed to make proper notification of the traffic stop to District communications and failed to videotape the traffic stop.

Jennings specifically denies in the stipulation that during the traffic stop of October 11, 2004 he instructed Williams to grab his hand at which point he raised both hands to her cheek and later indicated to Williams he wanted to place his hand inside of her shirt. He denies he asked Williams for a hug indicating he wanted to come to her house the following day to hug her while she was shirtless.

Jennings further admits that he failed to videotape 37 traffic stops he initiated between September 14, 2004 and October 18, 2004, two of which involved multiple vehicles. He also admits that between September 14, 2004 and October 18, 2004, he failed to make proper notification of 54 traffic stops he initiated, seven of which involved multiple vehicles. He further admits that between September 14, 2004 and October 18, 2004, he conducted numerous traffic stops during which he improperly placed one or more violators in his squad car.

Jennings admits that he violated the ISP rule which indicates that officers will make proper notification to district communications when making a traffic stop. He admits he violated a department rule which requires officers to follow the proper procedures for making stops when he placed one or more violators in his squad car. He admits he violated a department rule which requires officers to advise the telecommunicator of the stop. He admits he violated the rule that officers will use their in-car camera when making stops. He admits his actions violated the rule that officers must conduct themselves on and off duty in such a manner that reflects favorably upon the department. Jennings admits that his actions violated the department rule that requires officers maintain sufficient competency to properly perform their duties and assume the responsibility of their position.



This is a November 17, 2005 decision of the **Board suspending Matykiewicz for a period of 10 days**. This is following a hearing on a Petition for Review in which **the Director suspended Matykiewicz for 15 days**.

The first paragraph of the Director's charge alleged Matykiewicz engaged in conduct unbecoming an officer when he spent an additional night in California on June 21, 2003 which was not required by his duties. In addition, Matykiewicz travelled in the company of his son in September of 2004 to and from California and then transported civilians to their residence in an Illinois State Police vehicle.

The second charge alleged against Matykiewicz is that he demonstrated unsatisfactory work by the misuse of NGSA identification pins.

The third allegation alleged Matykiewicz violated a department rule when he used his official position with ISP to remain in California for the extra night to attend a boxing match using tickets given to him by Dr. Rosen.

The fourth allegation is that Matykiewicz failed to insure that his subordinates completed their departmental mandatory training requirements in the calendar year 2004.

Many of the facts were submitted by joint stipulation. It was stipulated that Matykiewicz was assigned as the EPU advanced officer for the California detail which included a dinner attended on June 19, 2003. The Governor and his family departed California on June 21, 2003. Matykiewicz and Lt. Ceja stayed the day and night in California on June 21 and ISP paid the bill.

Matykiewicz and Ceja returned to Illinois from California on June 22, 2003. On June 19, 2003 Matykiewicz picked up a package containing tickets to a boxing match from Dr. Rosen and gave the tickets to Lt. Ceja. Ceja then gave a ticket to Matykiewicz to a boxing match which they both attended on June 21, 2003.

On September 11, 2004 Matykiewicz travelled with his son in an ISP vehicle from Springfield, Illinois to Tulsa, Oklahoma. He then continued on to Flagstaff, Arizona and finally to Los Angeles, California. The son accompanied Matykiewicz on the return trip to Springfield, Illinois arriving September 21, 2004.

Matykiewicz was interviewed by DII on December 16, 2004 and December 28, 2004. It was stipulated that Matykiewicz transported Mary Stewart in his ISP issued vehicle on at least two occasions from Springfield to her daughter's house. It is also stipulated that Matykiewicz gave an NGSA identification pin to Greg Parquette and a couple of pins to the Attorney General's detail.



Matykiewicz served as South Operations Officer and supervised several employees. There is some mandatory training of officers. Some subordinate officers of Matykiewicz were not current in their mandatory training.

Lt. Ceja was the commander of the EPU. Matykiewicz requested approval travel dates for the purpose of protecting the Governor from June 14 through June 22, 2003. This was approved by Lt. Ceja on June 9, 2003 and approved by Director Trent on June 10, 2003. Matykiewicz submitted his travel vouchers all of which were approved. It was stipulated that Mary Stewart was the personal assistant to the Governor.

The hearing officer found that Matykiewicz has been with the Illinois State Police since 1984 serving in various capacities. His past history with the department includes an oral reprimand from a minor traffic accident. In April of 2002, Matykiewicz was promoted to Master Sergeant.

In January 2003, when Governor Blagojevich took office, Matykiewicz became the South Operations Officer of the EPU. In that position, he was responsible as the supervisor of the EPU outside the greater Chicagoland area. His supervisor at the time was Lt. Ceja. The EPU unit is responsible for the security and protection of the Governor and his family.

The hearing officer found that in June of 2003, the Governor, his family and some staffers took a trip to California, which was the Governor's first trip out of state. During the trip, Matykiewicz served as the advance man for the Governor and his family.

The travel request from Matykiewicz was from June 14 through June 22, 2003. This request was submitted on June 6, 2003.

On June 19, 2003, the Governor attended a dinner at a restaurant with several individuals. During the dinner, Ceja and Matykiewicz were outside the restaurant. Dr. Randy Rosen was a participant at the dinner and came outside to smoke where Ceja and Matykiewicz were stationed. They engaged in a conversation and Rosen indicated he had tickets to a boxing match on June 21, 2003 which he was not able to use. He offered the tickets to Ceja for his use. Ceja accepted the tickets and directed Matykiewicz to pick up the tickets from Dr. Rosen's office. Matykiewicz did so.

The Governor and his staff and family left the hotel to return to Illinois on June 21, 2003. Matykiewicz and Ceja were required to stay beyond the term of the Governor to perform duties as members of the EPU. Ceja and Matykiewicz attended the boxing match the evening of June 21.

The hearing officer found that Matykiewicz was assigned to work for EPU when the Governor went to California in September of 2004. This time, Matykiewicz drove an ISP vehicle to California so the Governor would have the vehicle with him during that trip. Matykiewicz drove the vehicle from September 11 through September 21, 2004 from

Illinois to California and back accompanied by his 25-year old son. The son never interfered with or participated in the work of the EPU during the trip and stayed with his father in the hotel rooms at no extra cost. Matykiewicz obtained permission and approval for this from Lt. Ceja.

Mary Stewart was a state employee. Matykiewicz transported Mary Stewart in his ISP vehicle on two occasions in Springfield from the Capitol to her daughter's house.

In 2004, ISP officers were required to undertake some mandatory training. The hearing officer found that Matykiewicz and some of his officers were not current on the mandatory requirements. Matykiewicz testified he had discussed his subordinates' compliance with the requirements and believed it was reasonable for him to rely upon information provided to him by others including Parquette, Ceja and the three Master Sergeants.

The National Governor's Security Association is an organization which provides information and assistance to its members. NGSA issues pins to its members that provide access to otherwise restricted areas. The hearing officer found that Lt. Ceja admitted he authorized the giving of an NGSA pin to a non-civilian. Matykiewicz did not give the pin to a civilian and was not aware of the provision of the pin to a civilian. This all relates to the Paul Simon funeral.

The hearing officer specifically found as follows:

1. Paragraph one of the disciplinary action alleges that Matykiewicz did not conduct himself on and off duty in such a manner to favorably reflect on the department. This relates to his June 21, 2003 trip as well as the September 2004 trip. **Not Guilty.**
2. Paragraph two of the disciplinary action alleges that Matykiewicz demonstrated unsatisfactory work by failing to keep abreast of the proper use of NGSA pin. **Not Guilty.**
3. Paragraph three of the disciplinary action alleges that Matykiewicz violated a rule which prohibits officers from using their official position for personal or financial gain for themselves or others. This relates to Matykiewicz obtaining a boxing match ticket for June 21, 2003 from Dr. Rosen. **Not Guilty.**
4. Paragraph four of the disciplinary action alleged that Matykiewicz failed to insure his subordinates completed department mandatory training requirement. **Guilty.**

With regard to the penalty considerations, Director Trent testified the 15-day suspension was warranted after looking at the totality of the circumstances of the disciplinary action.



The only prior discipline was a documented oral reprimand as a result of a minor traffic accident.

A supplement to the recommended findings of fact were submitted by Hearing Officer Mifflin. The hearing officer explained his position but did not change his recommendation on guilty or innocence based on any objections raised by either party.

<i>Merit Board Docket #05-6</i>	<i>Trooper Brad A. Sprague</i>	<i>Settled Prior to Hearing</i>
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This is a November 1, 2005 decision of the Merit Board on the joint motion of the parties. Sprague was **suspended for 30 days** without pay and the joint motion is attached to the decision. (A copy of the joint motion was not disclosed.)

The Settlement Agreement provides that Sprague admits to Paragraphs 1-15 of Counts I, II, III and IV of the complaint. These admissions include the fact that Sprague holds the rank of Trooper and is assigned to District 5, Lockport. He has been employed by the Department since 1995. In March 2004, Sprague received documented counseling for failure to report to three overtime details and a letter of reprimand for failure to comply with a subpoena to appear at a coroner's inquest.

Sprague has approval to work secondary employment as a part-time firefighter. Sprague was scheduled to work for the Department on October 26, 2004 but he failed to work that shift. Sprague had been subpoenaed to appear in court that day. He was called and told that he could have the day off but he must report to court as scheduled. Thereafter, Sprague contacted the State's Attorney's office and indicated that he was sick and unable to report as scheduled. Sprague was found to be at the Fire Department and was then ordered by his Sergeant to report to court. He was also ordered to write a memorandum regarding the incident.

In an October 26, 2004 memorandum, Sprague stated he called the State's Attorney's office and reported that he was not able to attend court because he was feeling ill. On November 3, 2004 Sprague submitted a memorandum indicating he was scheduled to work at a secondary employment on October 26 and called in sick because he was unable to find someone to cover his shift at his secondary employment.

Sprague admits that his conduct violated the department rule that states officers will report to duty at the time and place required. Sprague also admits he violated the department rule which states that officers will not feign illness or injury or falsely report themselves ill or injured. Sprague further admits he violated the department rule which requires officers submit truthful and complete reports. Sprague admits he violated the department rule which requires officers conduct themselves in a manner so as to reflect favorably upon the Department.



This is a June 29, 2005 decision of the Board based on a joint motion of the parties. It was agreed Wellbank was **suspended 180 days** without pay. A copy of the joint motion is attached to the decision. (A copy of the joint motion was not disclosed.)

The Settlement Agreement provides that Wellbank voluntarily admits to the allegations of Paragraph 1-11 of Counts I, II, III and IV of the complaint. Wellbank is a Master Sergeant with ISP and is assigned to Zone 2, Investigations. He has been employed by ISP since 1983.

Wellbank admits that on July 31, 2004 he consumed alcohol while working on a home construction project and then drove his assigned state vehicle to a local store in Rockford, Illinois. He admits that he was involved in a property damage traffic crash in his assigned state vehicle.

Wellbank admits that he was required to maintain liability insurance covering property and personal injury of another if he utilized his assigned vehicle for personal use. He admits that on July 31, 2004 he did not have liability insurance for this purpose.

Wellbank admits that he identified himself as a police officer to the other person involved in the accident but refused to provide his name when requested and also failed to show the other driver his ISP badge even though he had it.

Wellbank admits he refused to take a field sobriety test when a Rockford Police Department officer asked him and was then arrested for driving under the influence of alcohol and improper lane usage. He admits that he was lawfully ordered by his Captain to submit to a breath test for administrative purposes only and refused to comply with that order.

Wellbank admits that his actions violated department rule which requires him to obey a lawful order issued by his superior. Wellbank admits that his action in consuming alcohol and being involved in a traffic accident violates the rules of conduct that officers will operate vehicles in a careful and prudent manner. Wellbank admits that he violated the rule that requires he carry identification cards and furnish that information when he identified himself as a police officer but refused to provide his name and show his badge to the other driver. Wellbank admits that he violated the department rule which requires authorized personnel using their assigned vehicle maintain liability insurance covering property and personal injury of another party. He admits he violated department rules when he consumed alcohol and acted in an inappropriate manner which constituted conduct unbecoming an officer.



<b>Merit Board Docket #05-4</b>	<b>Sergeant Todd R. Stanley</b>	<b>Settled Prior to Hearing</b>
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This is a September 15, 2005 decision of the Board in which a Motion to Dismiss was submitted by the Illinois State Police and accepted by the Board. The Motion to Dismiss indicated that **Stanley resigned from ISP effective July 7, 2005**. Therefore, **the matter should be dismissed as moot**.

By his resignation Stanley makes no admissions with regard to matters contained in the DII investigation file.

<b>Merit Board Docket #05-2</b>	<b>Trooper Lawrence Buckner, Jr.</b>	<b>Settled Prior to Hearing</b>
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This is a November 1, 2005 decision of the Board following a joint motion for decision filed by the parties. Buckner was **suspended for 25 days** without pay. A copy of the joint motion is attached to the decision. (A copy of the joint motion was not disclosed.)

The Settlement Agreement provides that Buckner voluntarily admits to certain paragraphs of Counts I, II, III, IV, V and VI.

Essentially, Buckner admits that he is employed by ISP, holding the rank of trooper and assigned to District Chicago. He has been employed by ISP since 1987.

Buckner admits he received a 2-day suspension on December 30, 2002 for failing to pay numerous tickets issued by the Village of Lansing for parking, standing and compliance violations totaling \$14,000.00, having his driver's license suspended, operating his vehicle Illinois Secretary of State.

It is admitted that on August 13, 2004 Buckner, while on duty, entered a currency exchange in Lansing, Illinois to conduct personal village and stepped ahead of other waiting customers. He admits that while the owner of the exchange was processing his transaction and being requested to show his I.D., Buckner commented out loud, "It must be Halloween since I'm standing outside in this uniform." After the transaction, Buckner admits that he shouted at the currency exchange owner for charging him a \$25 transaction fee. Furthermore, he asked the owner for her name, the name of her supervisor and also asked her which entity regulated her business. Buckner then told the owner that she need not worry as he knew the right people to call.

Buckner admits that on August 13, 2004 he used his MDC to conduct a LEADS inquiry on the currency owner's license plate to obtain information to file a personal complaint against her. He also admitted that on August 17, 2004, while on duty and in uniform, he entered the same currency exchange to conduct personal business. Buckner then told an employee of the exchange that he had a problem with the owner the last time he was in and now wanted to retaliate. Buckner also told the employee that he knew the owner had given him a false name as he had run her license plate and her vehicle did not



register to the name she had provided. Buckner said he would remember the way she had treated him when she was out in the world.

On October 21, 2004 during his DII interview, Buckner did not admit his conversations with the currency owner nor the employee of the currency exchange.

By making these admissions, Buckner admits that he violated the department rule of conduct that officers will conduct themselves in a manner which reflects favorably upon the department. He admits that he violated the department rule which requires officers will only use department equipment for its intended purpose. Buckner failed to do so when he used his MDC to make an inquiry on the currency owner's license plate. Buckner admits that he violated the department rule which allows MDC use only when performing transactions for criminal justice purposes. Buckner admits that he violated the department rule which prohibits officers from accessing database records for any reason other than legitimate law enforcement purposes. He admits that he violated the department rule that officers may only use MDC for official ISP business. He admits that his conduct violated the department rule that officers will truthfully answer questions by department personnel.

<i>Merit Board Docket #05-1</i>	<i>Trooper Edward J. Forkel</i>	<i>Full Hearing</i>
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This is a December 29, 2005 decision of the Board based on a hearing before Hearing Officer Ed Thomas Johnson. The Board adopted the findings of fact and conclusions of law and **unanimously voted to discharge Forkel.**

Forkel was certified to teach Illinois policemen proper practices in making driving under the influence related traffic stops. On April 15, 2002 he taught one of those classes. After class, while still on duty, he conducted a traffic stop involving Katie Prince. Forkel asked Prince to leave her car and participate in three tests designed to determine if she was intoxicated. She passed these tests. He then conducted a breathalyzer test and she blew a disputed result between .01 and .08.

Forkel never called in the stop or its disposition at any time. He then handcuffed and searched Prince and she was crying and upset. He did not call a female officer to conduct the search. He placed Prince in his car and learned that she had a roommate and no boyfriend. He told Prince he could arrest her, no one would bail her out and her car would be towed because of the zero tolerance policy.

Forkel decided to let Prince go. He did not issue a zero tolerance warning. He submitted no paperwork concerning the stop. He then used his cell phone to call his District telecommunicator and report he was going off duty. He did not report that he had just conducted a traffic stop nor mention the encounter with Prince in any way.



Forkel coerced Prince into revealing her breast. He further searched Prince when a search was unjustified under the circumstances.

Forkel does not deny that Prince asked for a female officer and he does not deny that he rejected her request. Forkel used force and threatened to use force. Prince testified the search was "rough". It was reasonable for Prince to fear the use of force when Forkel demanded to see her breast. Forkel knowingly fondled Prince's breast without her permission and coerced her to expose her breast to him. Forkel touched her breast without permission during the search and later when he handed back her insurance card.

Count I requires Forkel to uphold the laws of Illinois. In fact, Forkel used his police powers to conduct a traffic stop and used force to knowingly fondle Prince's breast without her permission. **Guilty.**

Count II alleges that Forkel violated a rule that officers will conduct themselves on and off duty to reflect favorably upon the Department. **Guilty.**

Count III alleges that Forkel violated a rule that officers will maintain a level of moral conduct in their personal and business affairs in keeping with the highest standard of the law enforcement profession. Forkel knowingly fondled Prince's breast without her permission and coerced her to expose her breast to him. **Guilty.**

Count V alleges the violation of a rule that requires an officer to not engage in improper sexual acts. **Guilty.**

Count IV alleges that Forkel violated a rule that officers will not mistreat persons who are in custody or who are otherwise being detained. Forkel conducted a search of Prince, placed his hands in her crotch area, ran a finger around the inside of the waistband of her underwear, placed his hands underneath her shirt and patted her stomach up to just below her breast, placed his hands on Prince's back underneath her shirt, reached over her right shoulder and placed his hands between her breasts and then fondled her breasts. **Guilty.**

Count VI alleges a violation of a rule that requires officers to carry their identification cards and badge on their person. Forkel refused to furnish his name to Prince upon her request and was not wearing his name tag and star during the traffic stop. **Guilty.**

Count VII alleges Forkel violated the Department rule which provides that a zero tolerance policy shall apply when the driver is stopped for a violation of the Illinois Vehicle Code if the driver is under 21. A citation is required to be issued and a field report completed. Forkel failed to follow this requirement. **Guilty.**

Count VIII alleges that Forkel violated Department policy which requires that when an officer determines that a violator of the opposite sex is to be transported and the violator

must be searched, the search may be delayed until the arrival of a second officer. Forkel made no attempt to find a female officer to assist. There was no safety issue to justify Forkel's conduct. **Guilty.**

Count IX alleges Forkel violated Department policy requiring that prior to stopping a vehicle, an officer shall report the traffic stop data to the District telecommunicator. Forkel failed to do so. **Guilty.**

Count X alleges Forkel violated Department policy which requires officers to report their status by radio as soon as possible after a traffic stop. Forkel did not do this. **Guilty.**

Count XI alleges he violated Department policy which requires the officer to advise the District telecommunicator of the appropriate incident disposition. Forkel failed to do so at the conclusion of the traffic stop. **Guilty.**

Count XII alleges Forkel violated Department policy which requires an officer take appropriate enforcement action and maintain a professional interaction with the violator. Forkel failed to maintain a professional interaction with Prince. **Guilty.**

In aggravation, ISP policy requires police officers to be held to a higher standard of conduct than ordinary civilians. Forkel is highly trained, with special training in DUI investigation. The victim was under 21 years of age.

In mitigation, Forkel had no prior discipline with ISP. He had a good reputation for honesty and non-violence among his church congregation and some ISP troopers.

In prior disciplinary cases, the following were offered in mitigation:

**1) Trooper William Fromm – Docket #97-17 –Discharged.**

Trooper used sexually explicit language and made lewd comments to two female minors during a motorist assist and inappropriately touched one of the minors. He lied to State Police investigators.

**2) Trooper Travis Jones – Docket #98-3 – Discharged.**

Jones had inappropriate sexual relations with a minor on a swim team that he coached. He made false and misleading statements to investigators.

**3) Trooper Elijah J. Jefferson – Docket #96-5 – Discharged.**

Jefferson stopped a woman driver and failed to call in his stop to communications. He improperly fondled the woman and forced her to perform oral sex upon him while in his squad car and raped the woman.



**4) Trooper Herschel Craig (1996) – Suspended for 30 days.**

Craig initiated a traffic stop and failed to report the required activity. He asked the violator to lift up her dress for him. He submitted ISP memorandums which were untrue. He lied during an ISP interview.

**5) Lt. Steven Crow (1993) – Suspended for 15 days.**

While off-duty he embraced and kissed a woman without her encouragement or consent. He lied to investigators about the incident.

**6) Trooper Mitchell Kulwin (1995) – Suspended for 5 days.**

Kulwin offered to transport a woman home but instead took her to a beach and engaged in kissing and fondling. The woman filed a criminal complaint.

**7) Special Agent Michael B. Cowling (1995) – Suspended for 5 days.**

While on duty asked two different women for dates. Touched them without permission and followed them around while staring and making lewd comments and gestures. He lied to ISP investigators.

**8) Trooper Donald Ellis (1999) – Suspended for 30 days.**

While conducting a vehicle inspection asked a woman improper questions and refused to accept her rejections. He failed to accurately report his activity and lied to ISP investigators. While on duty he invited another woman to a motel room, tried to give her money to purchase condoms and used threats to induce or cover up his actions.

**9) Trooper Dennis W. Jordan (2000) – Suspended for 25 days.**

While on duty Jordan engaged in inappropriate conversation with two females, one of whom he contacted at her place of employment for personal reasons. He lied to telecommunicators about his actions. He failed to follow proper procedures for a traffic stop.

**10) Trooper Chadd Brody (2004) – Written reprimand.**

Brody ran a license plate inquiry for no legitimate law enforcement purpose and while on duty asked a woman out.

This is a decision of the Board dated January 14, 2005 on a Petition for Review. **The Director suspended Spight for 30 days. The Board suspended Spight for 15 days.** The hearing was held before Hearing Officer Thomas Johnson and the Board adopted the findings of fact and conclusions of law.

Spight was alleged to have refused a direct order given to him by Trooper Fanseca at the direction of Master Sergeant Jamison to report to Munster Community Hospital on December 20, 2003. The hearing officer found that Spight was telephoned by his commanding officer on December 20, 2003 and was told to go to the hospital and Spight refused.

The hearing officer found that Spight's excuses were not believable. His first excuse was that he did not know who called him. The second excuse was the he did not know it was his commanding officer's order. His third excuse is that he did not follow the order because he could not leave his child unattended. **Spight was found guilty of violating the department rule.**

In aggravation, evidence was offered that it took three separate phone calls to convince Spight to obey an order. Spight was aware that not obeying an order is a form of insubordination. ISP is a para-military organization that depends on obedience.

In mitigation, Spight had not prior discipline, is regarded as a good officer and his refusal to follow a direct order was completely unprecedented during his professional career. Also in mitigation, Spight ultimately complied with the order within 90 minutes of its issuance.

Spight presented ISP internal disciplinary cases to support his argument that the punishment was excessive. All of the cases have the respondents' names redacted in the report to the Board and are as follows:

1. April 2003 – Trooper failed to follow an order to respond to a personal injury traffic crash. **Suspended for 1 day.**
2. February 2002 – Employee failed to obey an order not to have contact with a person the trooper was involved with in a domestic altercation, was argumentative and insubordinate. **Suspended for 1 day.**
3. August 2000 – Employee refused to obey a direct order. **Suspended 1 day.**
4. October 1997 – Employee refused 3 times to properly code his paperwork. **Letter of reprimand.**



5. May 2002 – Employee pressured another employee into a business relationship which apparently created a conflict of interest, used his position for personal gain, lied to the investigator, refused to obey an order of no contact with someone, tried to induce someone to conceal information or make false statements during the investigation and made false statements in an official record. **Suspended for 10 days.**
6. January 1998 - Employee falsified an ISP form, lied to his commanding officer and failed to obey an order of a superior. **Suspended 5 days.**
7. June 2000 - Employee demonstrated unsatisfactory performance, acted in a manner that was unbecoming an officer and refused to obey an order of a superior. **Suspended 5 days.**
8. November 2003 – Employee refused to obey a lawful order to sign a letter of reprimand and by wearing a bracelet he was ordered not to wear. **Suspended 2 days.**
9. April 2004 – Employee refused an order by his supervisor not to allow another person to work overtime. **Letter of reprimand.**
10. April 2004 – Employee refused to comply with an order to go to traffic accident site until she had finished her lunch. **Letter of reprimand.**
11. February 2002 – Employee disobeyed a direction by a superior by attending a training session while not on personal time. **Letter of reprimand.**
12. September 1997 – Employee drove assigned vehicle while off duty and without authorization. **Disciplinary letter.**
13. August 2003 – Employee used tollway facility to wash personal vehicle and lied to his supervisor about it. **One day suspension.**
14. November 1999 – Employee took a state fair travel day after being directed by his superior officer to return to his shift and to take off duty time, therefore disobeying an order. **Letter of reprimand.**
15. December 1999 – Employee failed to give supervisor “available options”. **One day suspension.**
16. April 2001 – Employee disobeyed direction of a superior by attending a meeting with the Division of Operations. **Letter of reprimand.**

17. July 2001 – Employee disobeyed order of supervisor to turn over records to State's Attorney and provide assistance on drug operations to others and such conduct was unbecoming. **Letter of reprimand.**
18. August 1999 – Employee disobeyed the direction of superior by failing to report to an assigned area of patrol. **Letter of reprimand.**
19. February 2000 – Employee failed to obey an order regarding the assignment of personnel to a tactical operation. **One day suspension.**
20. November 2001 – Employee failed to obey an order of a superior to wait for assistance before executing a search warrant and was insubordinate to his superior. **Two day suspension.**
21. March 1999 – Employee failed to obey an order of a superior transmitted to him by telecommunication. **Two day suspension.**
22. March 2000 – Three employees failed to obey an order from a commanding officer to stop the practice of conducting traffic stops outside their assigned patrol. **Each employee received a letter of reprimand.**
23. March 1998 - Three employees failed to comply with orders from a superior when they left their squad cars running while unattended. **Each received a letter of reprimand.**
24. January 1998 – Employee claimed overtime and disobeyed an order from a superior when ordered either to go home or return to patrol and failed to accurately document this activity. **Two day suspension.**
25. January 1998 – Employee failed to obey an order. **One day suspension.**