

COOK COUNTY SHERIFF'S MERIT BOARD

SHERIFF OF COOK COUNTY)
)
 vs.) Docket #1752
)
 VERONICA M. MILOS,)
 Deputy Sheriff,)
 Star #10576.)

DECISION

THIS MATTER COMING ON to be heard pursuant to notice before Jennifer E. Bae, a Board Member, and the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction:

1. Veronica M. Milos (herein after "Respondent") holds a position as a Deputy Sheriff which involves duties and responsibilities to the public.
2. Each member of the Cook County Sheriff's Merit Board (hereinafter "Board") has been duly appointed to serve as a member of the Board pursuant to confirmation by the Cook County Board of Commissioners, State of Illinois, to sit for a stated term.
3. The Board has jurisdiction of the subject matter of the parties in accordance with Chapter 55 of the Illinois Compiled Statutes.
4. The Respondent was personally served with a copy of the Complaint and Notice of Hearing and appeared before the Board to contest the charges contained in the complaint.
5. The Board has heard the evidence presented by the Sheriff and the Respondent, and evaluated the credibility of the witnesses and supporting documents.

Background:

By complaint dated February 20, 2014, Sheriff Thomas J. Dart, sought the termination of the Respondent. The complaint alleges that Respondent failed to report the arrest that occurred on April 3, 2002, December 30, 2002, February 22, 2004, August 7, 2011 and July 28, 2012 in violation of the Rules and Regulations and General Orders of the Cook County Court Services Department, specifically:

GENERAL ORDER 3401.1 (effective date: March 12, 2001)

RULES OF CONDUCT, in its entirety, including but not limited to, the following subparts:

V. RESPONSIBILITY

It is the responsibility of every member of the C.S.D to conform to the rules of conduct.

VI. RULES AND REGULATIONS FOR ALL SWORN OFFICERS AND CIVILIAN MEMBERS

A. Compliance with Laws and Ordinances

1. Members will uphold the Constitution of the United States and the State of Illinois, obey all federal, state and local laws in which jurisdiction the member is present and comply with court decisions and orders of courts having jurisdiction.

B. Conduct On Duty and Off-Duty

1. Members will conduct themselves on and off-duty in such a manner to reflect favorably on the department. Members, whether on or off-duty, will not engage in conduct which discredits the integrity of the department, its employees or the member, or which impairs the operation of the department. Such actions will constitute conduct unbecoming an officer.
2. Members will maintain a level of moral conduct in their personal and business affairs that is in keeping with the highest standards of the law enforcement profession. Members will not participate in any incident involving moral turpitude that impairs their ability to perform as law enforcement officers or causes the department to be brought into disrepute.
3. Members will not use their official position, official identification cards, stars or hat shields for:
 - a. Personal or financial gain for themselves or others.

I. Duty Functions

4. —

5. When a member becomes aware that he/she is the subject of an investigation by a governmental agency other than the CCSO or its related departments, he/she will immediately notify his/her commanding officer and inform him/her of the circumstances

surrounding the incident being investigated, the agency conducting said investigation and what actions he/she has taken to resolve the matter.

SHERRIF'S ORDER 11.2.20.0 (effective date: January 25, 2013)
RULES OF CONDUCT, in its entirety, including but not limited to, the following subparts:

II. POLICY

The CCSO serves the citizens of Cook County by performing law enforcement functions in a professional manner, and it is to these citizens that the CCSO is ultimately responsible. Employees of the CCSO shall conduct themselves in a professional and ethical manner both on and off duty. Employees shall not engage in activities that reflect unfavorably on the CCSO but shall instead serve to further the mission of service.

VI. RULES AND REGULATIONS FOR ALL SWORN AND CIVILIAN
CCSO EMPLOYEES

I. Cooperation within the CCSO and with other agencies.

CCSO employees shall:

1. Truthfully answer all questions, provide proper materials, and provide truthful and relevant statements when the employee is involved in an investigation, either as the subject or not, as long as the employee's rights are preserved.

COOK COUNTY SHERIFF'S DEPARTMENT MERIT BOARD RULES AND REGULATIONS, in its entirety, including but not limited to, the following subparts:

Article X, Paragraph B

No Police Officer of the Cook County Sheriff's Police Department, nor any Correctional Officer of the Cook County Department of Corrections, nor any Deputy Sheriff of the Cook County Sheriff's Court Services Department shall:

1. violate any law or statute of any state or of the United States;
2. violate any ordinance of a county or municipal government;
3. violate any of the general orders, special orders, directives or rules and regulations of the CCSO.

Issues Presented:

Whether the actions of the Respondent violated any of the Rules and Regulations and General Orders set forth above and what if any discipline is appropriate if a violation occurred.

Evidence Presented:

A hearing was conducted on June 6, 2014 and July 18, 2014 at the Cook County Administration Building, 69 W. Washington Street, Room 1100, Chicago, Illinois. Present were Assistant State's Attorney [REDACTED] and Assistant General Counsel [REDACTED] on behalf of the Sheriff of Cook County and Attorney [REDACTED] on behalf of the Respondent.

Exhibits moved into evidence:

Sheriff's Exhibit 1 CCSO's policy regarding rules of conduct
Sheriff's Exhibit 2 A statement made by Respondent to [REDACTED]
Sheriff's Exhibit Group 6 Certified copies of disposition of August 7 2011
Sheriff's Exhibit 7 Abstract of the Respondent's driver's license [REDACTED]

Sheriff presented the following witnesses:

[REDACTED]

On direct-examination, [REDACTED] (herein after "[REDACTED]") testified that she is currently employed by the Office of Professional Review (herein after "OPR") for the CCSO and has been for one year and six months as an Investigator II, Unit A. [REDACTED] explained that Unit A deals with courts, Sheriff's Police, sexual harassment, discrimination, and hostile work environment. She said she was assigned to investigate this matter.

[REDACTED] explained that OPR received a notification from the Office of Policy and Accountability that Respondent had been arrested two occasions and had failed to notify the CCSO in accordance with the general orders. Once this case was assigned to her, [REDACTED] contacted the Chicago Ridge and Bridgeview Police Departments to obtain copies of the case and arrest reports; interviewed the arresting officers from the Bridgeview Police Department; and interviewed the Respondent.

Sheriff's Exhibit 1 is a copy of the CCSO's policy regarding rules of conduct that applied to Sheriff's deputies in the court services department. The purpose of this document was to inform the deputies their on and off expected conduct. [REDACTED] said that all deputies were given a copy and signed for it. [REDACTED] said Respondent would have been given a copy. The rules of conduct did not matter whether a person was or was not convicted of the crime. The rules required that once a deputy found out that he/she was a subject of an investigation, he/she was required to notify his/her supervisor the nature of the investigation. [REDACTED] learned that Respondent had not notified her supervisor of the arrests of August 7, 2011 and July 28, 2012. [REDACTED] explained that her investigation revealed total of 5 arrests which were (1) April 3, 2002 arrest for operating an uninsured motor vehicle and driving on a suspended/revoked license; (2) December 30, 2002 arrest for operating an uninsured motor vehicle and driving on a suspended/revoked license; (3) February 22, 2004 arrest for driving on a suspended/revoked

license; (4) August 7 2011 arrest for operating an uninsured motor vehicle and driving on a suspended/revoked license; and (5) July 28, 2012 arrest for driving on a suspended/revoked license. Additionally, [REDACTED] said that Respondent had total of 19 traffic citations from 1990 to 2012. Respondent had not reported any of her arrests to her supervisor. [REDACTED] said that there was a prior OPR investigation on Respondent and the finding was that Respondent failed to inform CCSO that she had been arrested previously.

Sheriff's Exhibit 2 is a copy of the statement made by Respondent to [REDACTED]. [REDACTED] said that she explained to Respondent her rights and Respondent acknowledged it by signing the document. Respondent was represented by her union attorney [REDACTED]. The document was signed by all parties that were present with a witness signature from Investigator [REDACTED]. [REDACTED] said Respondent informed her that she did not know her license was suspended and that Respondent told the officers that she knew that they had discretion in the matter and to use it. [REDACTED] said Respondent did not remember telling the officers that she worked as a deputy in the trial courtroom downtown in the Daley Center or that "to go ahead and brutalize her because she would sue them for civil rights." [REDACTED] said Respondent was given an opportunity to make any changes to the statement but chose not to do so. [REDACTED] said Respondent told her that she did not know that she needed to tell the CCSO because she did not know that she had been arrested. [REDACTED] said Respondent informed her that she had a prior OPR investigation. In December of 2002, Respondent had been arrested and booked while in her Sheriff Deputy's uniform.

[REDACTED] reviewed a police report from the Bridgeview Police Department prior to speaking to Officer [REDACTED] on the phone. Sheriff's Exhibit 3 is a copy of a memorandum prepared by [REDACTED] after interviewing Officer [REDACTED] on September 11, 2013. [REDACTED] was able to determine that Office [REDACTED] was the reporting officer and the officer that placed Respondent under arrest for the August 7, 2011 incident.

[REDACTED] said Respondent had total of 14 SPARs which were summary punishments for tardiness/absenteeism and allowing an armed postal inspector into the courthouse without notifying a supervisor; and total of 3 OPR investigations from 2008 to 2013. [REDACTED] said Respondent's last SPARs was during the pendency of this proceeding where she failed to inform CCSO that she had lost her county ID and FOID card and received suspension. Sheriff's Exhibit 4 is a copy of the Respondent's complimentary history that showed Respondent received 1 complimentary letter and 4 certificates. Sheriff's Exhibit 5 is a copy of the summary report submitted by [REDACTED] where [REDACTED] determined that Respondent violated Court Services Department General Order No. 3401.1, Section VI-A.1; Court Services Department General Order No. 3401.1, Section VI-B.1; Court Services Department General Order No. 3401.1, Section VI-B.2; Court Services Department General Order No. 3401.1, Section VI-B.3A; Court Services Department General Order No. 3401.1, Section VI-I.5; and Court Services Department General Order No. 3401.1, Section V. [REDACTED] said she closed this matter on December 4, 2013.

On cross-examination, [REDACTED] said the definition of "moral turpitude" would be anything that affects personal integrity or affects the integrity of the CCSO. [REDACTED] explained that she found Respondent's behavior to be "moral problem" when she threatened police officers during an arrest in a traffic stop. [REDACTED] believed that Respondent made a threat when she admitted that she told the officers that they had discretion and that they should use it. This conversation was during an investigation of an accident where the cars were in a private parking lot and not in a public street. [REDACTED] said Respondent did not have a valid insurance card. [REDACTED] stated that Respondent told her that the vehicle was in a private lot and that the officers did not need to tow it, however, [REDACTED] learned that the officers told the Respondent that they needed to tow the vehicle because

she did not have a valid insurance at the time of the stop. As part of her investigation, [REDACTED] learned that both incidents of August 7, 2011 and July 28, 2012 cases were dismissed in court. [REDACTED] said she did not learn who, what, and where the complimentary letters or certificates came from. [REDACTED] said the executive director of the department made a recommendation to suspend the Respondent for 180 days and not terminate. [REDACTED] admitted that she did not look into tardiness violations or speak to any of the judges that Respondent had worked with because these were not related to the investigation. Her assignment was to determine whether Respondent reported her arrests to the CCSO.

[REDACTED] said traffic tickets were not considered "arrest" but driving on a suspended license was an arrest. [REDACTED] said Respondent told her that she did not believe the incidents of August 2011 and July 2012 were considered criminal investigation. [REDACTED] explained that she asked Respondent whether she was photographed, fingerprinted and held in a holding cell and Respondent reply by saying that she did not know that she had been arrested. [REDACTED] said that Respondent told her that she did not receive a notice from the Secretary of State that her license was suspended; she was taken into custody for arrests in 2011 and 2012; she did not remember if she was photographed and fingerprinted; and that she did have a valid insurance but not on the scene. [REDACTED] did not check with the Secretary of State to learn if Respondent's license was still suspended because it was not relevant to her investigation. [REDACTED] said she does not make recommendation to the department for punishment because punishment is usually made by the executor director.

[REDACTED]

On direct-examination, [REDACTED] (herein after "[REDACTED]") testified that he is currently employed at the Village of Bridgeview as a police officer, star number 117, and had been for 14 years. On August 7, 2011, [REDACTED] was dispatched to an accident at Harlem Avenue. By the time he arrived, [REDACTED] observed that both vehicles were relocated to a parking lot of a grocery store. [REDACTED] remembered the driver of the unit no. 1 as the Respondent. [REDACTED] identified the Respondent as Veronica Milos. During the initial accident investigation, [REDACTED] had a chance to speak to Respondent. He asked for a driver's license and a proof of insurance. Subsequently, Officer [REDACTED] arrived to assist [REDACTED]. During the investigation, [REDACTED] learned that Respondent's license was suspended and Respondent offered to walk home to retrieve her insurance card. [REDACTED] told Respondent that she could not leave because she was being placed under arrest for driving while license suspended and no insurance. [REDACTED] said Respondent became angry that her license was suspended without any notification to her and wanted to know why she had not been notified. [REDACTED] told her that he does not work for the Secretary of State and that he could not tell her why she was not notified of her suspension. [REDACTED] said Respondent became upset when he informed her that the vehicle would be towed without a proof of insurance. By this time, [REDACTED] said that Officer [REDACTED] had arrived and was present for this conversation. [REDACTED] said Respondent had a passenger who was inside the vehicle during this conversation. [REDACTED] said Respondent told him that she was a CCSO employee and he better not tow her vehicle because it was on a private property. [REDACTED] told Respondent that if she was a deputy, she should be familiar with the Illinois Vehicle Code that stated that it was mandatory to tow. At this time, Respondent informed [REDACTED] that she worked at the Daley Center as a bailiff or court deputy. [REDACTED] said when Respondent told him to use his discretion; he took it as "a thinly veiled threat." [REDACTED] said Respondent threatened Officer [REDACTED] couple of times with civil

lawsuits for violation of her civil rights. [REDACTED] understood this to mean that if he and Officer [REDACTED] arrested and took Respondent to jail, she would sue them. [REDACTED] said he tried to get insurance information from Respondent prior to arrest and after arrest but he was not successful. [REDACTED] arrested Respondent and transported her to the Bridgeview Police Department where she was processed by [REDACTED] and Auxiliary Officer [REDACTED], and released after posting bond.

On cross-examination, [REDACTED] said he appeared for court in this matter but could not remember the exact date or the disposition. [REDACTED] said that the incident occurred in a semiprivate lot. [REDACTED] said that there was a female passenger in Respondent's vehicle. [REDACTED] did not know if the female had a mental problem but she was driven home by Officer [REDACTED]. [REDACTED] said Respondent offered to get her license and insurance card by walking home but there was no conversation about getting her boyfriend to bring them. [REDACTED] said that on the date of the incident, Respondent's license was suspended but he could not remember the reason. [REDACTED] assumed that Respondent had knowledge of the Illinois Vehicle Codes since she said she worked for the CCSO.

[REDACTED]

On direct-examination, [REDACTED] (herein after "[REDACTED]") testified that he is a police officer employed by the Village of Bridgeview for 7 and half years. On August 7, 2011, he responded to an accident as a second officer. [REDACTED] remembered Respondent as a party to the accident but did not recall the other party. [REDACTED] arrived to assist [REDACTED] with the tow and inventory of the Respondent's vehicle. [REDACTED] did not directly speak to Respondent. [REDACTED] said it was [REDACTED] who did all the talking. [REDACTED] said that he heard Respondent telling [REDACTED] that she worked for the CCSO, that they were not going to tow her car, and that she would sue them. [REDACTED] said that Respondent was arrested for driving while license suspended and that he gave the passenger ride home after the incident. [REDACTED] said that Respondent told them to use their discretion but he was not able to because her license was suspended and there was no insurance. [REDACTED] said Respondent became upset. [REDACTED] heard Respondent offer to walk home and get the insurance card. [REDACTED] said that [REDACTED] offered Respondent to call someone to bring insurance but she never made the call.

On cross-examination, [REDACTED] said he prepared the towing report. [REDACTED] could not recall if Respondent told him that she worked at the Daley Center but he did recall her saying that she worked in the civil court or civil division. [REDACTED] said Respondent told him that she did not know her license was suspended. [REDACTED] said that Respondent wanted to walk home to get the insurance card and [REDACTED] told her that she could not do so because she was under arrest for driving while license suspended but that she could call someone to bring the insurance card. Respondent never made a phone call in the presence of [REDACTED]. Both vehicles that were involved in the accident were in a private parking lot. [REDACTED] said that [REDACTED] told the Respondent that his department policy prohibited him from exercising any discretion regarding towing. Respondent asked both [REDACTED] and [REDACTED] to exercise discretion not to tow her vehicle. [REDACTED] could not remember the cost of towing in 2011 but currently is \$175 plus storage. [REDACTED] observed Respondent being upset when she started yelling at both officers when told that she was under arrest. At the time of Respondent's arrest, [REDACTED] had been on the job for 4 years. [REDACTED] said that people were sometimes upset when told that their car would be towed because of towing and storage fees. [REDACTED] explained that he came to assist [REDACTED] so that

arrest. Respondent was punished for misplacing her credentials and she learned that a part of her duty was to secure her credentials.

Sheriff Exhibit 2 is a copy of the Respondent's statement to OPR. Respondent said she appeared with her Teamster attorney. Respondent denied telling OPR that she told the officers that she worked at the Daley Center instead she told the officers that she worked downtown with lawyers. Respondent stated that OPR mischaracterized what she had said to them. Respondent said someone in Ohio got into an accident and used her driver's license. She was investigated by the IAD which is now OPR regarding not having her credentials. Respondent stated that she is a sworn officer, sworn to the general orders of the CCSO, sworn to the general orders of the CCSO Court Services Department, and given copies of all general orders. She said she was obligated to follow all general orders but sometimes she misinterpreted them. She stated that she was required to notify CCSO of any investigation but she did not believe that she was under investigation when she was arrested. She denied attempting to gain favor from the arresting officers of Bridgeview by using her position with the CCSO. Respondent said CCSO was aware of the first three arrests because she was under investigation for missing credentials. She said she notified [REDACTED] of her arrests who was the head of the IAD during the investigation. Respondent admitted that she did not notify CCSO about the arrests because no one had told her that she needed to.

On re-direct examination, Respondent explained that during summer of 2002, her purse was stolen at the Corner Bakery located at Washington and Wells as she was eating lunch. She filed a police report with the Chicago Police Department immediately. Approximately 6 months to a year later, Respondent received a letter from the Ohio Secretary of State that stated she had failed to appear in court on a traffic incident. Respondent inquired with the Illinois Secretary of State because of a suspension on her license due to the Ohio incident and she was informed that Illinois could not do anything because the suspension was coming from Ohio. Once Respondent's lawyer was able to provide documents to the Ohio Secretary of State, the suspension was lifted. Respondent said she was not notified by the Illinois Secretary of State that her license was suspended on August 7, 2011 or July 28, 2012.

Respondent said that she might have pled guilty to not having insurance for a ticket dated January 22, 2011 but she was not sure. She looked at Sheriff's Exhibit 7 on page 3 that indicated that she was placed on supervision for a ticket for no insurance dated January 22, 2011. She said that it was possible but she was not sure. She also said that she was fingerprinted by Bridgeview Police Department when she was arrested on August 7, 2011 and by Chicago Ridge Police Department when she was arrested on July 28, 2012.

Findings/Conclusion of the Law:

The Board finds that the testimony of multiple witnesses established that Respondent violated General Order 3401.1, Rules of Conduct V, VI A(1), VIB(1) (2) (3), I(5); Sheriff's Order 11.2.20.0, Rules of Conduct II, VI(I)1; and Cook County Sheriff's Department Merit Board Rules and Regulations Article X, Paragraph B(1) (2)(3).

The Board finds that the testimony of the Respondent to be untruthful and evasive. Respondent was unable to answer simple question as to whether she inform her supervisor or CCSO any of the 5 arrests she had since 2002. From Respondent's testimony, it seemed Respondent only informed IAD/OPR of her first 3 arrest during the investigation and not when the arrests happened. Additionally, she never informed CCSO regarding the August 7, 2011 and

July 28, 2012 arrests. It is difficult to believe that Respondent did not know she needed to report the arrests after she had been investigated for missing credentials and the first 3 arrests. Respondent testified that she did not report the last 2 arrests because no one had told her that she needed to. Respondent further testified that she did not believe that she was under investigation when she was arrested for driving while license suspended. She believed that it was just traffic which was minor and compliance issue. The Board finds that the Respondent attempted to minimize her behavior by stating that it was just traffic. Driving while license suspended is not a minor traffic offense. It is a class A misdemeanor which a person can be sentenced up to 364 days in jail and fined up to \$2500. When arrested, the Respondent was photographed, fingerprinted, and placed in a holding cell prior to posting a bond. The Board does acknowledge that both cases of August 7, 2011 and July 28, 2012 were dismissed by the Court but that does not excuse the Respondent's duty and obligation to report to CCSO of her arrest. From the Sheriff's Exhibit 7 (Respondent's Driving Abstract) and Respondent's own testimony, Respondent's license was suspended on August 7, 2011 and July 28, 2012 when she pled guilty to not having insurance on January 22, 2011 and not paying a reinstatement fee to the Secretary of State. Respondent testified that the Secretary of State did not inform her of the suspension and thus she was unaware of the fact that her license was suspended. Driving or driver's license is not a right, it is a privilege. Respondent, by law, was required to have a valid license when she drove on August 7, 2011 and July 28, 2012, it certainly was not the Secretary of State's duty. The Board finds that Respondent did not have a valid driver's license on August 7, 2011 and July 28, 2012. The Board further finds that when she was arrested for August 11, 2011 and July 28, 2012, and that Respondent was under investigation which required her to notify her commanding officer and inform him/her of the circumstances surrounding the incident being investigated, the agency conducting the investigation and what actions Respondent took to resolve the matter.

The Board finds that the testimonies of Officers [REDACTED] and [REDACTED] of the Bridgeview Police Department to be credible. And based on the testimony, the Board finds that Respondent attempted to influence Officers [REDACTED] and [REDACTED] when she informed them that she worked for the CCSO at the Daley Center. The Board further finds that Respondent threatened Officers [REDACTED] and [REDACTED] with a lawsuit if they towed her vehicle.

Additionally, the Board finds that Respondent was untruthful when interviewed by the OPS investigator [REDACTED]

Order:

Wherefore, based on the Board's findings, Respondent is suspended for 180 days effective February 20, 2014.


JAMES P. NALLY, Chairman


KIM R. WIDUP, Board Member


BYRON BRAZIER, Vice-Chairman


JOHN R. ROSALES, Board Member


BRIAN RIORDAN, Board Member


VINCENT T. WINTERS, Board Member


JOHN J. DALICANDRO, Secretary


JENNIFER E. BAE, Board Member

Dated: 

January 12, 2015