

COOK COUNTY SHERIFF'S MERIT BOARD

In the Matter of:

CORRECTIONAL OFFICER
BRANKO PAVLOVIC

Employee No. [REDACTED]; Star No. 8471

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Docket No. 1727

DECISION

This matter coming on to be heard, by Board member Brian J. Riordan, pursuant to notice, the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

1. Branko Pavlovic (hereinafter "Respondent" or "Pavlovic"), was appointed a Cook County Correctional Officer on April 4, 2005;
2. Respondent's position as a Deputy Sheriff involves duties and responsibilities to the public;
3. Each member of the Cook County Sheriff's Merit Board, hereinafter "Board", and 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; and
4. The Board has jurisdiction of the subject matter of the parties in accordance with Chapter 55 of the Illinois Compiled Statutes; and
5. Respondent was personally served with a copy of the Complaint against him and a Notice of Hearing and appeared before the Board to contest the charges contained in the Complaint; and
6. The Board has heard the evidence presented by the Sheriff and the Respondent and has evaluated the credibility of the witnesses and supporting evidence. After considering the evidence, the Board finds as follows:

Background

The Sheriff alleges that on July 30, 2011 while intoxicated during a domestic altercation Respondent injured his girlfriend [REDACTED]. The Sheriff further alleges that after the altercation he went to his apartment and discharged his weapon three times into his interior wall. His ex-girlfriend then contacted the police who showed up at his apartment and attempted to gain access. The Respondent refused to allow access of the police officers. At the time the officers observed what they believed to be three small holes in the north wall of the living room adjacent to the Respondent's bedroom. At that time he was arrested by the Norridge Police Department for the offense of domestic battery.

On August 1, 2011, a warrant was issued for the firearms of the Respondent which they later recovered. In addition, [REDACTED] obtained an Emergency Order of Protection on August 1, 2011 which was effective until August 22, 2011. At that time on August 22, 2011, [REDACTED] obtained an Order of Protection against Respondent which served upon in open court and was to last two years. The Sheriff further alleged that on September 7, 2011, the Respondent violated the Order of Protection by contacting [REDACTED] and requesting that she drop the domestic battery charges. An Arrest Warrant on September 9, 2011 was issued for the unlawful violation of the Order of Protection. The Respondent pled guilty to that offense.

The Sheriff is seeking termination based on the actions of the Respondent while at his apartment discharging his weapon, lying to the OPR investigators, non-cooperation with the Norridge Police Department, and for the violation of the Order of Protection.

The Sheriff alleges that based on these actions the Respondent violated the Rules and Regulations and the General Orders of the Cook County Department of Corrections, specifically:

GENERAL ORDER 3.8

III. REQUIREMENTS

A. Compliance with Laws and Regulations

- 1. Employee will obey all federal, state, county and municipal laws.**
- 4. Employee will comply with lawful departmental rules, written procedures, directives, bulletins, and verbal orders issued by the proper authorities**

D. Professional Conduct

- 6. Employees will maintain professional demeanor while on duty and will refrain from engaging in off-duty behavior that would reflect negatively on the department.**

GENERAL ORDER 4.1

II. REQUIREMENTS

A. Guidelines for SERIOUS MISCONDUCT include, but are not limited to:

- 5. Failure to observe all Federal, State, and local laws.**
- 6. Failure to properly register weapon(s) or improper use of a weapon.**

17. **Engage in any conduct unbecoming to an employee of the Cook County Department of Corrections which tends to reflect discredit on the Department of Corrections or Sheriff's Office.**
18. **Making a false official report, either oral or written.**

Furthermore, the Respondent's actions violated the Rules and Regulations of the County Sheriff's Merit Board, specifically:

**COOK COUNTY SHERIFF'S DEPARTMENT MERIT BOARD
RULES AND REGULATIONS**

Article X, Paragraph B

No Police Officer of the Cook County Sheriff's Police Department, Correctional Officer of the Cook County Department of Corrections, or Duty 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 Cook County Sheriff's Office.**

The Prosecution Case

The Petitioner first called Officers [REDACTED] and [REDACTED] of the Norridge Police Department. They testified regarding their investigation and their involvement in the arrest of the Respondent. They testified regarding their working with direct reports regarding the domestic abuse charge as well as the claims that Respondent had discharged his weapon inside of his unit. It was their testimony that based on the evaluations, discussions with officers and their observations, that the Respondent did discharge his weapon inside of his home and that there was visual evidence that three bullet holes were in the walls. They further testified regarding the fact that a warrant was issued for the Respondent's firearms and that on a visit to the apartment it was noticed that there were bullet holes in the Respondent's apartment.

The testimony of both [REDACTED] and [REDACTED] of the Norridge Police Department show that no ballistics or testing was done either on the walls or on the Respondent's gun that would further provide evidence that the gun was discharged in his apartment. They also testified that a Norridge Police officer does live across the hall from the Respondent and that he

was interviewed during the investigation and he did not hear any gunshots the night of July 30 2011. The officers' testimony was virtually unrefuted, credible and showed no bias.

OPR Investigator [REDACTED]

Mr. [REDACTED] testified regarding his investigation and his role as the OPR investigator. He testified that he took statements from the Respondent, reviewed the police reports from the Norridge Police Department as well as information from the Respondent's ex-girlfriend [REDACTED]. It was Mr. [REDACTED] recommendation that the Respondent had violated various rules and regulations of the Cook County Sheriff's Merit Board and that Respondent was untruthful in his statements regarding the discharge of his weapon. He further testified that it was clear from the court records that the Respondent had violated the Order of Protection on September 7, 2011. It was his recommendation, based on his investigation, that Respondent be terminated.

Respondent's Case

The Respondent's case consisted of cross examination of the Petitioner's witnesses as well as the testimony of the Respondent himself, Branko Pavlovic.

Respondent Branko Pavlovic

Mr. Pavlovic testified that he did have an altercation with his ex-girlfriend on July 30, 2011 however he was only defending himself when she attacked him after he told her that they were not getting back together. He stated that he attempted to distance himself from her and went up into his apartment. He denied ever discharging his weapon inside his apartment. He testified that he did not let the officers into his apartment on July 30, 2011 because that was his right. He stepped out of the apartment building and cooperated with them fully. He did not tell the officers about a construction project at that time.

He testified that although he did send a text message to [REDACTED] he did not believe that he was violating the Order of Protection because she had contacted him first. He does admit to asking her to drop the charges but that was just in response to her discussions and conversations with him through text messages. He testified he pled guilty to the violation of the Protective Order because he could not afford an attorney but still does not believe that he was in violation because he did not harass her or threaten her in any way.

Respondent testified he believed he was telling the truth to the OPR investigators. He stated for the first time at the hearing that the holes in the walls were due to construction that was being performed in his unit. On cross examination he did admit that he did not tell the OPR investigator this fact about the construction at the time but that is the truth. He further testified that he did not ever go to the Norridge Police Department and have the report regarding his discharging his weapon in his apartment changed or challenged that report in any way. He did not have an answer for not letting the officers into his unit if it was only construction holes on his walls.

Respondent's own admissions regarding the Protective Order establish violations of the Cook County Sheriff's Rules and Regulations. His testimony lacks complete credibility regarding the discharging of his weapon and the holes due to alleged construction.

Findings of Fact

Based on the evidence presented, it is clear from the facts, testimony and documentary evidence that the Respondent violated Sheriff's Order 3.8 and 4.1 as well as Cook County Sheriff Merit Board Rules and Regulations Article X, Paragraph B.

CONCLUSIONS OF LAW

Based on the evidence presented and after assessing the credibility of the witnesses and the weight to be given the evidence and the record, the Board finds that the Respondent did violate the Rules and Regulations of the Cook County Sheriff's Office and the Merit Board.

Wherefore, based on the foregoing, it is hereby ordered that Respondent Branko Pavlovic is hereby separated from employment with the Cook County Sheriff's Office effective

August 5, 2013

Dated: January 12, 2015

[Redacted Signature]

James P. Nally, Chairman

[Redacted Signature]

Byron Brazier

[Redacted Signature]

John Dalicandro

[Redacted Signature]

Jennifer Bae

[Redacted Signature]

John Rosales

[Redacted Signature]

* Brian Riordan - Hearing Officer

[Redacted Signature]

Kirk Widup

[Redacted Signature]

Vince Winters