

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
)
vs.)
) **Docket No. 2147**
)
CORRECTIONAL OFFICER)
MICHAEL MOORE)
STAR #15276)

DECISION

This matter coming on to be heard pursuant to notice before Vincent T. Winters, Board Member, on February 11, 2020, and continued June 16th, October 5th and finished on October 21st, 2021, the Merit Board conducted a hearing before Commissioner Vincent T. Winters. Both parties were represented by counsel and had a full and fair opportunity to present evidence. The Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

Michael Moore, (Respondent) was appointed a Correctional Officer on February 25, 2002. That on July 27, 2008, Respondent was assigned to the External Operations Division of the Cook County Department of Corrections ("CCDOC"), located at 3026 S. California Avenue, Chicago, Illinois. That on May 26, 2017, The Respondent was assigned to Laundry of the CCDOC, located at 2700 S. California Ave, Chicago, Illinois. That on December 31, 2017, the Respondent was assigned to the Visitation Information Center of the CCDOC, located at 2700 S. California Ave, Chicago, Illinois. Respondent's position as a Correctional Officer involves duties and responsibilities to the public; each member of the Cook County Sheriff's Merit Board, hereinafter Board, has been duly appointed to serve as a member of the Board pursuant to confirmation by the Cook County Board of Commissioners, State of Illinois, to sit for a stated term; the Board has jurisdiction of the subject matter of the parties in accordance with 55 ILCS 5/3-7001, *et seq*; and Respondent was served with a copy of the Complaint and notice of hearing and appeared before the Board with counsel to contest the charges contained in the Complaint.

Background

The Sheriff (Petitioner) filed a Complaint on February 8, 2019, Petitioner seeking termination of Respondent. Petitioner alleged that Respondent falsely portrayed himself to Cook County Assistant State's Attorney [REDACTED] ("ASA [REDACTED]") as the partner of Cook County Sheriff's Office ("CCSO") Investigator [REDACTED] ("Inv. [REDACTED]"), during ASA [REDACTED]'s prosecution of the December 2013 murder of Inv. [REDACTED]. Petitioner also alleges that the Respondent falsely portrayed himself to the sister-in-law of Inv. [REDACTED] [REDACTED] ("Ms. [REDACTED]") as the partner and close friend of Inv. [REDACTED]. Petitioner alleges that Respondent's false portrayal of himself as Inv. [REDACTED]'s partner led ASA [REDACTED] and Inv. [REDACTED]'s family to include

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Respondent, as a family member, in ASA [REDACTED]'s discussions of the prosecution and court proceedings as well as resulted in ASA [REDACTED] misleading the judge in the case, the Honorable Judge [REDACTED] ("Judge [REDACTED]"). Judge [REDACTED] allowed Respondent the courtesy of sitting in the jury box, while attending court proceedings in Maywood Courthouse. That while in Judge [REDACTED]'s courtroom, Respondent wore his CCSO badge on a chain around his neck, while also wearing a motorcycle vest with a fictional "Sons of Anarchy" patch on the back over a sleeveless shirt. The patch included a depiction of the grim reaper holding an AR-15 style rifle. Judge [REDACTED] told ASA [REDACTED] that Respondent would not be allowed to sit in the jury box while wearing inappropriate attire, i.e. his motorcycle club style vest, and that he must either sit in the gallery or dress appropriately. When ASA [REDACTED] relayed the message to Respondent, Respondent told ASA [REDACTED] that he was immune to the Judge's order because of the First Amendment. Respondent defied Judge [REDACTED]'s order and showed up at the next court hearing with his motorcycle club vest, after ASA [REDACTED] told Respondent that he would not be allowed to sit in the jury box, Petitioner alleges that Respondent told ASA [REDACTED] "Fuck you very much" and stormed out of the courtroom.

Beginning in August 2016, Respondent wrote letters under the name "Deputy Michael Eric Moore, - Cook County Sheriff's Deputy #15276" complaining that Judge [REDACTED] and ASA [REDACTED] conspired to deprive Respondent of his Constitutional rights. Respondent sent these letters to Cook County State's Attorney Anita Alvarez, Cook County State's Attorney Kim Foxx, Cook County Chief Judge Timothy Evans, and the Illinois Attorney Registration and Disciplinary Commission. Petitioner alleges that Respondent was unprofessional and argumentative with ASA [REDACTED] during the time of the court proceedings, irately questioning ASA [REDACTED]'s professionalism in front of the family of INV. [REDACTED]. Petitioner alleges that Respondent caused the family of Inv. [REDACTED] to feel betrayed, when they learned the falsehood of Respondent's claim that he had been Inv. [REDACTED]'s partner. Petitioner also alleges that on May 22, 2017, after Respondent was no longer allowed to sit in the jury box, Respondent acted in a physical threatening manner to ASA [REDACTED] in the courtroom as the case ended for the day.

During Respondent's interview with the Cook County Sheriff's Office of Professional Review ("OPR"), he admitted that others were not allowed to sit in the jury box like he was, and he admitted that he wore his CCSO badge and motorcycle club vest to various court dates.

After the case was continued from time to time, and discovery completed, it was called for a formal hearing on February 11, 2020 and continued to June 16th; October 5th and October 21st, 2021. At the hearing, court reporter being present, all witnesses sworn under oath, testimony was taken from witnesses called by the Sheriff as well as testimony from the Respondent and witnesses called on her behalf. Documents were introduced by Petitioner and Respondent and received into evidence.

Issues Presented:

The Respondent was charged with violations of the Rules and Regulations of the Cook County Department of Corrections, more specifically:

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SHERIFF'S ORDER 11.4.21.0 (effective: August 12, 2014)
EMPLOYEE SPEECH, EXPRESSION AND SOCIAL NETWORKING

SHERIFF'S ORDER 11.2.20.1 (effective: March 12, 2015)
CONDUCT POLICY

COOK COUNTY DEPARTMENT OF CORRECTIONS POLICY MANUAL
POLICY 100 (effective October 1, 2017)
CONDUCT

COOK COUNTY SHERIFF'S DEPARTMENT MERIT BOARD RULES AND REGULATIONS

Article X, Paragraph B

Findings of Fact

██████████, former Cook County State's Attorney testified, that he handled a case in which Investigator ██████████ ("Inv. ██████████") was the victim. (R. 18). ██████████ was the lookout and ██████████ was the shooter. (R. 21). They came up to Inv. ██████████'s daughter and boyfriend an attempted to rob them. Inv. ██████████ came upon the scene and said what is going on? And began to draw his revolver. ██████████ and ██████████ turns and fires a single shot from a .44 Magnum revolver which killed Inv. ██████████ (R. 21-22). ASA ██████████ testified that he would regularly talk to Inv. ██████████'s family while handling the case and that ██████████, Inv. ██████████'s sister-in-law acted as the family spokesperson. (R. 18). ASA ██████████ also testified that he met several Cook County Sheriff's employees, Respondent being one of them; he also identified the Respondent in the court room. (R. 18-19). ASA ██████████ testified that Respondent was involved in meetings with the family because of his claim that he was Inv. ██████████'s partner. (R. 20). ASA ██████████ testified regarding how Inv. ██████████ was shot and killed and explained that one of the defendants was the lookout for the other defendant (R. 22). ASA ██████████ testified that the lookout defendant was going to plead guilty and testify against the other defendant and would accept a sentence of 35 years. (R. 22). ██████████ testified that the ██████████ family was very happy with that offer, but Respondent voiced concerns about the settlement and said that he didn't think it was right. (R. 23). ██████████ tried explaining the settlement to Respondent, but nothing penetrated. (R. 24). ██████████ explained to Respondent the difference between a plea and a trial, testifying, acceptance of responsibility, the burden of proof, on-duty versus off-duty, and knowledge that the victim/ decent was ana ctual police officer. (R. 24). ██████████ testified that Respondent's demeanor during their talks was obnoxious, verbally abusive, not listening, interjecting, and interrupting (R. 25).

██████████ testified that Respondent would sit in the jury box while attending the hearings, but that changed in late spring or early summer 2016. (R. 26-27). Judge ██████████ asked ██████████ who Respondent was and ██████████ told Judge ██████████ that he was Inv. ██████████'s partner. Judge ██████████ told

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█ that he could not wear his motorcycle club vest while sitting in the jury box, █ relayed the Judge's message and Respondent became very irate. (R. 27-28). █ explained to Respondent that he could wear whatever he wanted but if he wore the vest, he couldn't sit in the jury box. █ explained to the Respondent that the Judge was presiding over the case and that wearing the vest had an appearance of impropriety, as well as having the appearance of favoritism that the Respondent is in the jury box wearing what should not be worn by a law enforcement officer. (R. 29). Respondent was told that if he continued to wear the vest then he would have to sit in the gallery and that this was not the kind of fight we wanted to get into with the Judge. (R. 29). █ testified that most of the time he saw Respondent he would be wearing a sleeveless shirt with his vest and his Cook County Sheriff's Office badge around his neck. (R. 29-30). The next court date after Respondent was told that he could not wear the vest in the jury box he was seated in the jury box with a vest with a "Blue Lives Matter" patch. (R. 30). █ testified that he told him that the Judge has the power to control her own courtroom, it is a courtesy that officers or anybody else gets to sit in the jury box, that the Respondent had no right to sit there and to go sit in the gallery. (R. 30). Respondent got up and said to █ "Fuck you very much". (R. 30). Respondent's behavior distracted █ while he was trying a case of an off-duty Sheriff's officer. (R. 48-49). Respondent was never subpoenaed to be at court, he was not a witness to any pertinent facts in the case and he was not Inv. █ partner. (R. 49). Officers who get subpoenas to appear in court are in uniform or in plain clothes. (R. 57).

█ testified that he received a call from one of his supervisors about the settlement offer for the lookout because the Respondent appeared at a law enforcement officers meeting attended by then State's Attorney Anita Alvarez. (R. 34). Respondent told a roomful of police officers that the Supervisor in Maywood was pleading out the shooter of an on-duty Cook County Sheriff's Officer for 35 years at 50 percent time served; that statement was absolutely false in every single aspect. (R. 34-35) █ then testified that he learned that Respondent wrote letters to the Illinois Attorney Registration and Disciplinary Committee, his bosses, the Cook County Sheriff and State's Attorney's Office complaining about him. (R. 36-37, 41). The Illinois Attorney and Disciplinary Committee sent █ a notice that no further action was warranted on September 30, 2016. (R. 37). █ continued to see letters that were written complaining about him and Judge █ letters that were written to Chief Judge Timothy Evans and new State's attorney, Kim Foxx. (R. 43-44). █ testified that he dealt with angry people before, but that this worst letter-writing campaign that he's seen. (R. 46). The letter campaign from Respondent continued for almost a year after the time █ met with Respondent about his clothing. (R. 47).

Sheriff called █ who was the sister-in-law of Inv. █ █ testified that she attended every court hearing and that while attending the court dates she met the Respondent, who identified himself as a Cook County Sheriff's Officer and her brother-in-law's partner. (R. 75-76). █ also testified that Respondent would wear a leather bike-type vest and that she witnesses and exchange between █ and Respondent regarding his clothing. (R. 77-78). She testified that █ approached Respondent and reminded him that if he wanted to sit in the jury box then he would have to dress appropriately or had to sit in the gallery with everyone else; Respondent was very upset. (R. 78). █ testified that she heard Respondent tell █ to either "Fuck you much" or "Fuck you very much" after █ told him he could not sit

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in the jury box when he wasn't dressed appropriately. (R. 82). When Inv. ██████'s family found out that Respondent was not his partner they became very uncomfortable and violated because he was invading their personal space where very intimate discussions took place. (R. 85).

██████, an investigator with the Office of Professional Review at the Cook County Sheriff's Office, testified that she investigated Respondent related to his conduct during Inv. ██████'s murder trial. (R. 124 + 127). ██████ testified that she interviewed ASA ██████ and Respondent. (R. 127). While being interviewed Respondent admitted that he was wearing motorcycle vests in court. (R. 148). ██████ documented during her investigation that Respondent violated the Conduct Policy by using his status as a CCSO employee to gain influence or authority for non-official business or activity; when he disobeyed and was insubordinate to court officials when he showed up to court wearing motorcycle vests and was dressed in the jury area; when he made disparaging remarks that disrupted the efficiency of the Cook County Sheriff's Office and would tend to discredit the Sheriff's Office. (R. 152-153). ██████ testified that Respondent acted in a manner unbecoming a member of the Cook County Sheriff's Office as well acted in a manner that discredited the Sheriff's Office when he portrayed himself as a partner of Inv. ██████ in order to go to court hearings and sit with the family when he was not Inv. ██████'s partner. (R. 161-162).

Respondent testified that he does not use the term "Deputy" to gain influence over whomever he may be talking to, nor does he use the term "deputy" in his affiliation with the Cook County Sheriff's office in an intentional way to suggest he was speaking on behalf of the Sheriff's Office. (R. 207). Respondent that he racially identifies as an African American, is almost 6'4", and weighs about 350 pounds. (R. 207-208). Respondent testified that he had seen ASA ██████ prior to his OPR meeting and that based on his knowledge ██████ was Caucasian, 5'8"-5'9" in height and significantly smaller in stature. (R. 209). Respondent also testified that he knew Inv. ██████ through their affiliation with the Fraternal Order of Police Lodge 9 and that he would occasionally see him when he was assigned to the Electronic Monitoring Unit, the unit that ██████ had worked. (R. 211, 215-216). Respondent testified that he was familiar with allegations that started in 2016 regarding his attire while in the court hearings but he also testified that he had been wearing the same clothing since 2013 and the presiding judge never had an issue with him wearing it, while sitting in the jury box. (R. 220-225). Respondent testified that he was in a meeting in 2016 after court with ASA ██████ and the ██████ family to discuss what had happened that day. (R. 227). Respondent asked ASA ██████ why there was disparity between the 35-years sentence one of the ██████ defendants was pleading out on and the 120-year sentence for the murder of a Chicago Police Department Officer. (R. 228-229). Respondent testified that at some time after this meeting ASA ██████ asked on behalf of the judge not to wear his Sons of Anarchy vest to court anymore so he substituted a law enforcement themed vest. (R. 236-237). Respondent testified that the elephant in the room was ██████ who he believed is a virulent racist and had a problem with a black man asserting himself in the presence of what he deemed should be acquiescence. (R. 239). Respondent then testified that ██████ invented a false narrative because there has never been a black man in the history of the United States who has said "Fuck you very much" and when black please cuss somebody out, it's not polite, it's not designed to insult, but to entice a person into a physical altercation. (R. 241).

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Conclusion

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given by the evidence in the record, the Board finds, by a preponderance of the evidence, that Respondent Michael Moore did violate SHERIFF'S ORDER 11.4.21.0 (effective: August 12, 2014) EMPLOYEE SPEECH, EXPRESSION AND SOCIAL NETWORKING; SHERIFF'S ORDER 11.2.20.1 (effective: March 12, 2015); CONDUCT POLICY; COOK COUNTY DEPARTMENT OF CORRECTIONS POLICY MANUAL POLICY 100 (effective October 1, 2017); CONDUCT; COOK COUNTY SHERIFF'S DEPARTMENT MERIT BOARD RULES AND REGULATIONS; Article X, Paragraph B. Respondent did violate these rules by falsely portraying himself as the partner of Inv. [REDACTED] which led to [REDACTED] including him in discussions of the prosecution and court proceedings and resulted in [REDACTED] misleading Judge [REDACTED] the judge in the case. Judge [REDACTED] allowed Respondent to sit in the jury box because of this believe. Inv. [REDACTED]'s family was flabbergasted, surprised and felt betrayed when they found out Respondent was not his partner.

Order

Wherefore, based on the foregoing, it is hereby ordered that Respondent Michael Moore be terminated from the Cook County Sheriff's Office effective February 8, 2019.

JOHN J. DALICANDRO, Chairman
BYRON BRAZIER, Vice-Chairman
VINCENT T. WINTERS, Secretary
KIMBERLY PATE GODDEN, Board Member
ELENI P. SIANIS, Board Member
TERRENCE J. WALSH, Board Member



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This Decision is adopted and entered by a majority of the Members of the Merit Board:

John J. Dalicandro, Vincent T. Winters, Kimberly Pate Godden, Eleni P. Sianis and Terrence J. Walsh.

Not Present: Byron Brazier

DISSENT

The following Members of the Merit Board dissent from the Findings and Decision of the majority of the Board.

[NONE]

DATED AT COUNTY OF COOK, STATE OF ILLINOIS, THIS 10th DAY OF FEBRUARY, 2022.