

Respondent Marvin K. Anderson
Deputy Sheriff
Star # 16084

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
)
vs.)
) **Docket No. 2278**
Marvin K. Anderson
Deputy Sheriff
Star # 16084

DECISION

This matter coming on to be heard pursuant to notice before Terrence Walsh, Board Member, on March 14, 2023, the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

Marvin K. Anderson, hereinafter Respondent Anderson, was appointed a Deputy Sheriff on September 18, 2006. Respondent Anderson's position as a Deputy Sheriff 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 Anderson 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.

Findings of Fact

The Sheriff filed a complaint on February 10, 2022. The Sheriff is requesting termination.

On September 18, 2006 Respondent Anderson was appointed a Deputy Sheriff. On April 5, 2020, Respondent Anderson was assigned to the Cook County Department of Corrections ("CCDOC") as a correctional officer. On August 29, 2020, at or around 1:28 AM, Respondent Anderson was working overtime in Division II of Cook County Department of Corrections ("CCDOC"), in the Officers' Desk area in the hallway with two other correctional officers, [REDACTED] and [REDACTED] ("Officer [REDACTED] and [REDACTED] ("Officer [REDACTED] (Tr. 13-14) When the officers were at the desk an inmate ("Detainee [REDACTED] approached the desk and began to verbally assault Officer [REDACTED] calling her a "whore", a "bitch" and asked how much someone would pay for "that". (Tr.14) Officer [REDACTED] stood up and gave Detainee [REDACTED] a verbal order to stop and to return to his tier. (Tr.15-16) Detainee [REDACTED] initially complied and Officer [REDACTED] and Respondent Anderson escorted him toward his tier. (Tr. 16) As they approached the door Detainee [REDACTED] struck Officer [REDACTED] causing him to fall to the floor. (Tr.16) At this point Detainee [REDACTED] continuously struck and kicked Officer [REDACTED] while he was on the ground.

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(Tr.17-18) Video of the scene was admitted into evidence and shows Respondent Anderson approached Detainee [REDACTED] with outstretched arms, then turned his head away and jumped back as Detainee [REDACTED] swung at Respondent Anderson, [REDACTED] and causing Respondent Anderson's glasses to fall off. (Tr.70, Sheriff's Exhibit 4) As Detainee [REDACTED] swung at Respondent Anderson, Detainee [REDACTED] tripped over Officer [REDACTED] body, fell over Officer [REDACTED] and to the ground, then stood up, and repeatedly and continuously kicked Officer [REDACTED] in the [REDACTED]. (Tr.65-66, Sheriff's Exhibit 4) While Detainee [REDACTED] was attacking Officer [REDACTED] Respondent Anderson watched from a distance, appearing to use Officer [REDACTED] as a barrier between him and Detainee [REDACTED] (Tr.70, Sheriff's Exhibit4)

At this point video evidence shows Officer [REDACTED] called "all available" and secured the doors on the floor. (Tr.34) While Detainee [REDACTED] was beating Officer [REDACTED] near the desk, Respondent Anderson stutter-stepped and moved toward Detainee [REDACTED] but quickly retreated several feet backwards as Detainee [REDACTED] swatted in Respondent Anderson's direction. (Sheriff's Exhibit 4).

While hanging onto Officer [REDACTED] shirt, Detainee [REDACTED] picked up Officer [REDACTED] radio that had fallen off during the initial knockdown and hit Officer [REDACTED] in the [REDACTED] with the radio multiple times, as Respondent Anderson watched them. (Tr.61 Sheriff's Exhibit 4) Detainee [REDACTED] repeated striking to Officer [REDACTED] [REDACTED] could be considered deadly force, which could have resulted in Officer [REDACTED] death if the responding officers that were radioed by Officer [REDACTED] had not intervened. (Tr. 60-61) The two correctional officers who responded to Officer [REDACTED] call for "all available" walked past Respondent Anderson, engaged Detainee [REDACTED] and stopped him from further assaulting Officer [REDACTED] (Tr.63, Sheriff's Exhibit 4) Detainee [REDACTED] was handcuffed by the responding officers as Respondent Anderson watched. (Tr.63-64)

Officer [REDACTED] was transported to St. Anthony Hospital by ambulance and was diagnosed with a [REDACTED] [REDACTED]. (Tr.20) As a result of the attack Officer [REDACTED] suffered [REDACTED] [REDACTED]. (Tr.20) Officer [REDACTED] was off duty for [REDACTED] after the attack and he has currently not fully recovered from his injuries, he still suffers [REDACTED]. (Tr.21)

Officer [REDACTED] testified that at one point during the attack he felt that the inmate was going to kill him. (Tr.18) He also testified that he did not see his partner, Respondent Anderson during the attack. (Tr. 18) Officer [REDACTED] does not believe that Respondent Anderson ever asked him if he was okay. (Tr.19)

Respondent Anderson at no point, as shown in the video, stopped the attack of his partner Officer [REDACTED] (Tr.46-47) Respondent Anderson would later admit that his actions were poor, and he should have done more. (Tr.63)

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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 Anderson did violate the Cook County Sheriff's Department Rules and Regulations, specifically:

Respondent Anderson violated the CCDOC Conduct policy when he neglected his duty to assist his partner Officer [REDACTED] and failed to take any substantial actions when Detainee [REDACTED] was violently attacking Officer [REDACTED] on August 29, 2020. Furthermore, Respondent Anderson violated the CCDOC Conduct Policy when he jeopardized the health, safety and welfare of CCDOC members and the facility on August 29, 2020. Respondent Anderson failed to conduct himself while on duty in such a manner to reflect favorably on the Cook County Sheriff's Office and failed to maintain a professional demeanor and Respondent Anderson's conduct was unbecoming of an Officer of the Cook County Sheriff's Office.

Respondent Anderson's conduct and inaction are in violation of:

COOK COUNTY DEPARTMENT OF CORRECTIONS CUSTODY MANUAL

Any failure or refusal of a member to properly perform the function and duties of an assigned position.

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

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, Police Sergeant, Police Lieutenant of the Cook County Sheriff's Police Department, Correctional Officer, Correctional Sergeant, Correctional Lieutenant, Correctional Captain of the Cook County Department of Corrections or Deputy Sheriff, Deputy Sergeant, Deputy Lieutenant of the Cook County Sheriff's Court Services Department will:

3. Violate any of the Sheriff's Executive Orders, General Orders, Special Orders, Directives, Rules and Regulations of the Cook County Sheriff's Department or Cook County Sheriff's Merit Board Rules and Regulations.

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Respondent Anderson blatantly neglected his responsibilities by not engaging Detainee [REDACTED] and his inaction resulted in serious injury to his partner, Officer [REDACTED] which is a violation of COOK COUNTY DEPARTMENT OF CORRECTIONS CUSTODY MANUAL 101.5.5.2. *Any member who feels unable to perform their duties shall promptly notify a supervisor. In the event that a member believes that another member is unable to perform their duties, such observations and/or belief shall be promptly reported to a supervisor and documented accordingly.* The magnitude of Respondent Anderson's inaction, that contributed to serious injury to Officer [REDACTED] is a violation of 101.4 CONDUCT POLICY *The continued employment or retention of every Sheriff's Office member shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any member to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action, up to and including termination. (b) Failure to be alert, attentive and capable of performing assigned responsibilities during working hours (e.g., failure to answer radio and/or telephone calls).*

The evidence presented sustains the charges filed against him. Respondent Anderson, during his interview with Investigator [REDACTED], stated that he did not use force and he gave multiple reasons why he did not use force. (Tr.81) One reason he gave for not using force to help protect his partner was because the department failed to provide him with sufficient defensive tactics training. (Tr. 89) This is not convincing because the officers who arrived on the scene were able to immediately remedy the situation and take Detainee [REDACTED] into custody. Respondent Anderson also testified that Officer [REDACTED] talked down to Detainee [REDACTED] which caused Detainee [REDACTED] to react the way he did. (Tr.81-83) Respondent Anderson went on to say that he would not have had any problems if he had handled the situation. (Tr.81-83) Respondent Anderson's inability to take any responsibility for his inaction and to go on to blame the department and even his seriously injured partner, Officer [REDACTED] show that he is not remorseful.

Order

Wherefore, based on the foregoing, it is hereby ordered that Respondent Marvin K. Anderson be terminated from the Cook County Sheriff's Office effective February 10, 2022.

JOHN J. DALICANDRO, Chairman
BYRON BRAZIER, Vice-Chairman
VINCENT T. WINTERS, Secretary
KIMBERLY PATE GODDEN, Board Member
TERRENCE J. WALSH, Board Member
MARLA M. KAIDEN, Board Member
WADE INGRAM SR. Board Member
JAMES J. SEXTON, Board Member



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SHERIFF'S MERIT BOARD
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This Decision is adopted and entered by a majority of the Members of the Merit Board:

Voted Yes:

John J. Dalicandro, Byron Brazier, Vincent T. Winters, Kimberly Pate Godden, Terrence J. Walsh,
Marla M. Kaiden, Wade Ingram Sr. and James J. Sexton

Voted No: None

Not Present: None

DATED AT COUNTY OF COOK, STATE OF ILLINOIS, THIS 10th DAY OF JULY, 2023.