

**DeKalb County Sheriff's Merit Commission
Meeting Minutes
Tuesday, August 25th 2015
(with multiple days to follow)**

The Merit Commission met on August 25th to begin the disciplinary hearing of Ryan and Megan Pettengell.

Commissioners present at the meeting were: Chairman Gene Lane, Vice Kim Green and Secretary, Todd Walker.

Chairman Lane called the meeting to order at 5:30 p.m.

This hearing lasted multiple dates:

**8/25/2015
9/15/2015
9/24/2015
9/26/2015
10/1/2015
10/6/2015
10/20/2015
12/3/2015
12/7/2015
1/5/2016**

During the hearing we met to address the procedural process, consider testimony of staff and witnesses. On January 5th 2016 the Commission met on final night to hear closing remarks and discuss our findings.

These meetings are record via the court reporter and a copy of the final order will serve as the Commissions complete minutes.

Ryan Pettengell received a 10 day suspension and Megan Pettengell received a 150 day suspension.

Chairman Lane called for a motion to adjourn at 11:30 p.m. Kim Green made the motion which was seconded by Todd Walker. On a unanimous voice vote the meeting was adjourned.

**BEFORE THE
DEKALB COUNTY SHERIFF'S OFFICE MERIT COMMISSION**

Sheriff Roger Scott)	
Complainant,)	
)	
v.)	NO:
)	
Deputy Meagan Pettengell and)	
Sergeant Ryan Pettengell,)	
Respondents.)	

PRELIMINARY FINDINGS OF FACT, DECISION AND ORDER

This matter coming before the DeKalb County Sheriff's Office Merit Commission for hearing on the charges filed by Sheriff Roger Scott against Deputy Meagan Pettengell and Sergeant Ryan Pettengell, the Merit Commission having heard the testimony and considered the documentary and other evidence submitted during the hearing, hereby finds as follows:

FINDINGS OF FACT

1. All of the members of the DeKalb County Sheriff's Office Merit Commission, being Gene Lane, Chairman, Todd Walker, Secretary and Kim Green, Commissioner were present for all meetings conducted in the hearing of these charges.
2. The Merit Commission had the authority to hear and decide these charges as found in the Sheriff's Merit Commission Act, 55 ILCS 5/3-8014.
3. At all times during this hearing, the Merit Commission was represented by Attorney John H. Kelly of the law firm of Ottosen, Britz, Kelly, Cooper, Gilbert and DiNolfo of Naperville, Illinois.
4. The Merit Commission, by a unanimous vote, authorized Attorney Kelly to conduct the hearing and rule on routine objections during the hearing. Additionally, the Merit Commission authorized Attorney Kelly to verbalize the Merit Commission's responses to motions and other rulings.
5. The hearing in this matter was conducted on the following dates: August 25, 2015, September 15, 2015, September 24, 2015, September 26, 2015, October 1, 2015, October 6, 2015, October 20, 2015, December 3, 2015, December 7, 2015 and January 5, 2016. At all times a quorum of the Merit Commission was present and all hearings were properly noticed and conducted in accordance with the Illinois Open Meetings Act, 5 ILCS 120/1.
6. The Sheriff was represented during the hearing by Attorneys Thomas F. McGuire of Long Grove, Illinois and Jolanta Zinevich of Crystal Lake, Illinois. Attorney McGuire withdrew from his representation of the Sheriff prior to the hearing held on September 15, 2015. Thereafter, the Sheriff was solely represented by Attorney Zinevich.

7. At all times during the hearing, Deputy Meagan Pettengell and Sergeant Ryan Pettengell were represented by Attorney Laura Scarry and Attorney James DeAno of the law firm of DeAno and Scarry of Chicago, Illinois.
8. On August 25, 2015, the Merit Commission admitted Commission Exhibits No. 1, the Complaint filed by Sheriff Scott, and No. 2, an Acknowledgment from Deputy Meagan Pettengell and Sergeant Ryan Pettengell that they were waiving representation in this hearing by the Metropolitan Alliance of Police (MAP).
9. On August 25, 2015 the Merit Commission granted a continuance at the request of Sheriff Scott based on the Sheriff's need for time to respond to various Motions in Limine filed by the Respondents on August 23, 2015. At this hearing it was also agreed by both parties that matters of prior discipline of both Respondents would not be presented in the case in chief by either party. Matters of prior discipline are appropriate for presentation during the penalty phase of the hearing.
10. On September 15, 2015, the Merit Commission announced its rulings on the various Motions in Limine filed by the Respondents. Details of the Merit Commission rulings can be found in the transcript of the hearing of September 15, 2015. At the conclusion of the hearing on September 15, 2015, the Sheriff requested an additional continuance and the Merit Commission granted that motion.
11. At the September 24, 2015 hearing, the Merit Commission granted the Sheriff's request to bar the use of discipline of other employees of the DeKalb County Sheriff's Office unless that discipline was for conduct similar to the conduct alleged in the Charges filed against Deputy Meagan Pettengell or Sergeant Ryan Pettengell. Other discipline will only be introduced during the penalty phase of the process and the Merit Commission will determine its relevancy. The Merit Commission also granted a protective order for all personnel records of employees of the DeKalb County Sheriff's Office should any personnel records be introduced in the hearing. Finally, the Merit Commission granted the Sheriff leave to amend his Complaint to add additional counts regarding the alleged violation of the Pursuit Policy of the DeKalb County Sheriff's Office.
12. In his case-in-chief, the Sheriff presented the following witnesses: Chief Deputy Gary Dumdie, Lieutenant Lisa Winkler, Deputy Craig Parnow, Sergeant Jim Burgh, Deputy Alex Becker, Deputy David Christiansen and Sheriff Roger Scott.
13. In their case-in-chief, Deputy Meagan Pettengell and Sergeant Ryan Pettengell presented the following witnesses: Sergeant Ryan Braden, Sergeant Van Bomar and Deputy Meagan Pettengell.
14. The following exhibits were admitted at the hearing:
 - Commission Exhibits 1 and 2
 - Joint Exhibits 1 through 21
 - Complainant's Exhibits 3, 4A, 4B, 5B, 6, 7B, 7D, 8A, 9A, 9B, 9C, 9D, 9E, 10A
 - Respondents' Exhibit 1

(See Exhibit A attached – Index to Exhibits)
15. The Merit Commission finds, based on the testimony and exhibits presented at the hearing as follows:

- i) That on March 30, 2015 Deputy Meagan Pettengell was on duty, in uniform and working the 6:00 p.m. to 6:00 a.m. shift, the shift actually having begun on March 29, 2015.
- ii) That on March 30, 2015 Sergeant Ryan Pettengell was on duty, in uniform and working the 6:00 p.m. to 6:00 a.m. shift, the shift actually having begun on March 29, 2015.
- iii) That on March 30, 2015 Sergeant Ryan Pettengell was the highest ranking officer of the DeKalb County Sheriff's Department on duty and was the immediate supervisor of Deputy Meagan Pettengell.
- iv) That on March 30, 2015 at approximately 12:55 a.m. the DeKalb County Sheriff's Office Dispatch Center received a 9-1-1 call from an Anna Marie Storey asking for assistance at 11531 Baseline Road, Sycamore based on an argument she had with her then boyfriend, Jeffrey Nissen.
- v) That the Dispatch Center advised the DeKalb Sheriff's Office on-duty deputies and Sgt. Ryan Pettengell that Jeffrey Nissen was taking Ms. Storey's car and that there was an alert for Mr. Nissen at that address, that Mr. Nissen had been combative with the police in the past and that he was "c200" which indicates a user of controlled substances.
- vi) That Deputy Meagan Pettengell's squad car was equipped with a Mobile Audio Visual system and a mobile radio on March 30, 2015. No evidence was introduced that indicated that either system was not in proper working order on March 30, 2015.
- vii) That Deputy Pettengell was assigned along with Deputy Alex Becker by Sergeant Ryan Pettengell to respond to Ms. Storey's request for assistance.
- viii) That Deputy Meagan Pettengell responded to the call for assistance from Glidden and Old State Roads.
- ix) That Deputy Meagan Pettengell drove approximately 74 miles per hour without using lights or siren in her response to the call.
- x) That Deputy Meagan Pettengell testified that the speed was not unusual for a response to that type of call and that she did not use her lights and siren in order to avoid alerting Mr. Nissen of her response.
- xi) That while enroute to the 11531 Baseline Road address, the DeKalb County Sheriff's Office Dispatch Center advised Deputy Pettengell that Mr. Nissen left that address in Honda Civic and that he was going westbound on Baseline Road. The Dispatch Center also advised that Mr. Nissen's driver's license was revoked.
- xii) That as Deputy Meagan Pettengell traveled eastbound on Baseline Road she observed the vehicle driven by Mr. Nissen pass her going westbound.
- xiii) That Deputy Meagan Pettengell made a U-turn and began to follow the vehicle being driven by Mr. Nissen westbound on Baseline Road. Deputy Pettengell accelerated her vehicle to a speed of approximately 83 miles per hour and turned on her emergency lights and siren in an effort to stop the vehicle being driven by Mr. Nissen.

- xiv) Mr. Nissen did not stop his vehicle and accelerated as he drove westbound on Baseline Road.
- xv) The speed limit on Baseline Road is 55 miles per hour. Testimony showed that the road was free of traffic and that the weather was clear and cold. Baseline Road is a 2 lane road approximately 22 to 25 feet in width and is located in a very rural portion of the County.
- xvi) That Deputy Meagan Pettengell continued to pursue Jeffrey Nissen with activated emergency lights and siren and during that pursuit traveled at speeds up to 110 miles per hour.
- xvii) That Deputy Meagan Pettengell reported by her radio that Mr. Nissen had gone through the stop sign at Baseline Road and Five Points Road without stopping and that it appeared to her that the vehicle Mr. Nissen was driving almost went off the road.
- xviii) That Deputy Meagan Pettengell, while driving westbound on Baseline Road, did not stop at the stop sign at Baseline Road and Five Points Road and was traveling approximately 91 miles per hour as she crossed that intersection. Deputy Meagan Pettengell did have the squad car lights and siren activated as she crossed that intersection.
- xix) That within 10 seconds of Deputy Meagan Pettengell reporting that Mr. Nissen had not stopped at the stop sign at Baseline Road and Five Points Road, Sergeant Ryan Pettengell inquired by radio as to what speed Deputy Meagan Pettengell was traveling. When Deputy Meagan Pettengell reported she was driving 95 miles an hour and climbing, Sergeant Ryan Pettengell ordered her to terminate the pursuit.
- xx) That Deputy Meagan Pettengell acknowledged that order and turned off her lights and siren.
- xxi) That Sergeant Ryan Pettengell then advised Deputy Meagan Pettengell over the radio "see if you can keep him in sight but we're not going to pursue him if he's driving like that."
- xxii) That Deputy Meagan Pettengell believed that this was an order to keep Mr. Nissen's vehicle in sight given by her immediate supervisor.
- xxiii) That Deputy Meagan Pettengell observed the vehicle driven by Mr. Nissen proceed through a stop sign located at the intersection of Baseline Road and Glidden Road. Deputy Pettengell reported that Mr. Nissen's vehicle had proceeded through the intersection of Baseline and Glidden Roads at "about 100 miles per hour."
- xxiv) That Deputy Meagan Pettengell did not stop at the stop sign at Baseline Road and Glidden Road and was traveling approximately 85 miles per hour as she crossed that intersection.
- xxv) That Baseline Road slightly inclines as it approaches Glidden Road and that Glidden Road is a two lane road, more highly traveled than Baseline but that no traffic was in the area on the night of March 30, 2015 at approximately 1:00 a.m.
- xxvi) That Deputy Meagan Pettengell testified that her vision of the intersection of Baseline Road and Glidden Road was not obstructed in any way at approximately 1:00 a.m. on March 30, 2015.

- xxvii) That as Deputy Meagan Pettengell drove westbound on Baseline Road from Glidden Road, the speed of her vehicle exceeded 100 miles per hour and she did not activate her lights or siren during this time.
- xxviii) That Deputy Meagan Pettengell advised that the vehicle driven by Jeffrey Nissen was “all over the road” and that the vehicle “hit the gravel a couple of times.”
- xxix) That at 1:05 a.m. on March 30, 2015 Deputy Meagan Pettengell reported that the vehicle driven by Jeffrey Nissen had gone off the road, struck a utility pole, rolled over and crashed on Baseline Road approximately 400 feet east of Malta Road.
- xxx) Baseline Road curves to the north as it approaches Malta Road. The vehicle driven by Jeffrey Nissen crashed approximately 400 feet east of the intersection with Malta Road.
- xxxi) That Deputy Meagan Pettengell was approximately 400 feet behind the vehicle driven by Jeffrey Nissen at the time of the crash.
- xxxii) That Deputy Meagan Pettengell on her arrival at the scene of the crash reported the crash to the Dispatch Center and then exited her squad car and approached Mr. Nissen who had been ejected from the vehicle he was driving.
- xxxiii) That Deputy Meagan Pettengell did not render any first aid to Mr. Nissen but did ascertain that he was still breathing and tried to arouse him.
- xxxiv) That Deputy Alex Becker arrived at the scene of the accident approximately 4 minutes after it occurred and placed a blanket on Mr. Nissen.
- xxxv) That the Kirkland Fire Department transported Jeffrey Nissen to St. Anthony’s Hospital in Rockford where he was later pronounced dead.
- xxxvi) That as part of his duties Sergeant Ryan Pettengell prepared a press release regarding the accident that was approved by Sergeant James Burgh.
- xxxvii) That Chief Deputy Gary Dumdie and Deputy David Christensen conducted an investigation into the accident involving Jeffrey Nissen.
- xxxviii) That at no time was the speed of Mr. Nissen’s vehicle ever determined.
- xxxix) That during the pursuit and following of Mr. Nissen’s vehicle, Deputy Meagan Pettengell operated the squad car video system.
- xl) That during portions of the time that Deputy Meagan Pettengell was following the vehicle driven by Jeffrey Nissen she did not operate the squad car audio system.

16. That there was in effect at the time of this incident certain Policies and General Orders of the DeKalb County Sheriff’s Office including the following:

- DeKalb County Sheriff’s Office Policy 100.603
- DeKalb County Sheriff’s Office Policy 100.611
- DeKalb County Sheriff’s Office General Order 10-10
- DeKalb County Sheriff’s Office General Order 20-15
- DeKalb County Sheriff’s Office General Order 30-10
- DeKalb County Sheriff’s Office General Order 30-15

17. That there was in effect at the time of this incident Section 3-8014 of the Merit Commission Act, 55 ILCS 5/3-8014, which provides that Sheriff's Merit Commission employees may only be disciplined for cause.
18. That there was in effect at the time of this incident Section 11-205(e) of the Illinois Vehicle Code, 625 ILCS 5/11-205(e), which governs the operation of motor vehicles by drivers of emergency vehicles.

DECISION

19. After hearing the testimony of the witnesses and reviewing the documentary and video evidence, the DeKalb County Sheriff's Office Merit Commission decides as to Deputy Meagan Pettengell as follows:
 - a) That "cause" exists under Section 3-8014 of the Merit Commission Act, 55 ILCS 5/3-8014, to discipline Deputy Meagan Pettengell;
 - b) That Deputy Meagan Pettengell did not violate Section 100.603 of the DeKalb County Sheriff's Office Policy, Conduct Unbecoming;
 - c) That Deputy Meagan Pettengell did violate Section 100.611 of the DeKalb County Sheriff's Office Policy, Attention to Duty, when she failed to follow Sheriff's Office General Orders and the Illinois Motor Vehicle Code during her operation of an emergency vehicle and the use of the Mobile Audio/Visual System;
 - d) That Deputy Meagan Pettengell did violate Section 10-10 II D of the DeKalb County Sheriff's Department General Orders, Violation of Statute, when she failed to operate an emergency vehicle with due regard for the safety of others in violation of Section 11-205(e) of the Illinois Vehicle Code, 625 ILCS 5/11-205;
 - e) That Deputy Meagan Pettengell did not violate Section 10-10 III B of the DeKalb County Sheriff's Department General Orders, Obedience to Lawful Orders, in that she did obey the order of Sergeant Ryan Pettengell to terminate the pursuit of the vehicle driven by Jeffrey Nissen;
 - f) That Deputy Meagan Pettengell did violate Section 20-15 III B of the DeKalb County Sheriff's Office General Orders, Mobile Video/Audio Recording Equipment, when she failed to activate the audio microphone while following a suspected drunk driver;
 - g) That Deputy Meagan Pettengell did violate Section 20-15 III E of the DeKalb County Sheriff's Department General Orders, Mobile Video/Audio Recording Equipment, when she failed to activate the audio microphone when she observed indicators of probable cause that bad driving was occurring;
 - h) That Deputy Meagan Pettengell did not violate Section 30-10 I C of the DeKalb County Sheriff's Department General Orders, Operation of Police Vehicles, in that Deputy Meagan Pettengell did slow down her vehicle as was necessary for safe operation at the time and place of this incident;
 - i) That Deputy Meagan Pettengell did violate Section 30-10 I D of the DeKalb County Sheriff's Department General Orders, Operation of Police

Vehicles, in that Deputy Meagan Pettengell failed to maintain due regard for the safety of others;

- j) That Deputy Meagan Pettengell did not violate Section 30-10 II A of the DeKalb County Sheriff's Department General Orders, Operation of Police Vehicles, in that she did appropriately use emergency lights and siren during the events of March 30, 2015;
- k) That Deputy Meagan Pettengell did violate Section 11-205(e) of the Illinois Vehicle Code, 625 ILCS 5/11-205(e), in that she failed to operate an emergency vehicle with due regard for the safety of others;
- l) That Deputy Meagan Pettengell did not violate Section 30-15 of the DeKalb County Sheriff's Department General Orders, Pursuit Operation, in that she did terminate her pursuit of the vehicle driven by Jeffrey Nissen when ordered to do so by Sergeant Ryan Pettengell.

20. After hearing the testimony of the witnesses and reviewing the documentary and video evidence, the DeKalb County Sheriff's Office Merit Commission decides as to Sergeant Ryan Pettengell as follows:

- a) That "cause" exists under Section 3-8014 of the Merit Commission Act, 55 ILCS 5/3-8014, to discipline Sergeant Ryan Pettengell;
- b) That Sergeant Ryan Pettengell did not violate Section 100.603 of the DeKalb County Sheriff's Office Policy, Conduct Unbecoming;
- c) That Sergeant Ryan Pettengell did not violate Section 10-10 IV, of the DeKalb County Sheriff's Office General Orders, Personal Conduct, Compliance, in that he was responsible to see that those under his command did follow orders;
- d) That Sergeant Ryan Pettengell did not violate Section 20-15 VI of the DeKalb County Sheriff's Office General Orders, Mobile Video/Audio Recording Equipment, Compliance, in that he was responsible to see that the Mobile Video/Audio Recording Equipment General Order was followed to the extent that he could monitor compliance;
- e) That Sergeant Ryan Pettengell did violate Section 30-10 IV of the DeKalb County Sheriff's Department General Orders, Operation of Police Vehicles, Compliance, when he failed to properly supervise the operation of an emergency vehicle by Deputy Meagan Pettengell by not inquiring more frequently as to the speeds and conditions under which she was operating her vehicle.
- f) That Sergeant Ryan Pettengell did not violate Section 30-15 II H of the DeKalb County Sheriff's Department General Orders, Pursuit Operation, in that he did properly monitor the pursuit of vehicle driven by Jeffrey Nissen and ordered Deputy Meagan Pettengell to terminate the pursuit;
- g) That Sergeant Ryan Pettengell did not violate Section 30-15 VI of the DeKalb County Sheriff's Department General Orders, Pursuit Operation, Compliance, in that he did insure compliance with the Pursuit Operation Policy.

ORDER

The DeKalb County Sheriff's Office Merit Commission having heard the testimony of Sheriff Roger Scott on January 5, 2016 and considered the documentary exhibits offered by both the Sheriff and the Respondents in aggravation and mitigation; based on the testimony and the consideration of that testimony and evidence, the DeKalb County Sheriff's Office Merit Commission hereby orders the following penalties to be imposed on Deputy Meagan Pettengell and Sergeant Ryan Pettengell:

- A. As to Deputy Meagan Pettengell, based on the violations of the Policies and General Orders of the DeKalb County Sheriff's Office as set out above, and by a vote of 2 to 1, she shall be suspended without pay for a period of one-hundred fifty (150) calendar days, each shift day to be considered twelve (12) hours based on her regular shift schedule.
- B. As to Sergeant Ryan Pettengell, based on the violations of the Policies and General Orders of the DeKalb County Sheriff's Office as set out above, and by a unanimous vote, he shall be suspended without pay for a period ten (10) calendar days, each shift day to be considered twelve (12) hours based on his regular shift schedule.
- C. Pursuant to Article V, Section e 3 of the Rules and Regulations of the DeKalb County Sheriff's Merit Commission, all pay for periods when Deputy Meagan Pettengell and Sergeant Ryan Pettengell were not paid since June 23, 2015 not covered by the suspensions ordered above, shall be repaid to Deputy Meagan Pettengell and Sergeant Ryan Pettengell.
- D. This is a Final Administrative Order of the DeKalb County Sheriff's Office Merit Commission which is subject to review under the terms of the Illinois Administrative Review Act, 735 ILCS 5/3-101 et. seq.

IT IS HEREBY ORDERED THIS 5TH DAY OF JANUARY, 2016.



Chairman Gene Lane



Secretary Todd Walker



Commissioner Kim Green