

COOK COUNTY SHERIFF'S MERIT BOARD

SHERIFF OF COOK COUNTY,)
)
 vs.)
) Docket # 1763
 DAMITA DELITZ,)
 Correctional Lieutenant,)
 Employee # [REDACTED])
 Star #237.)

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. Damita Delitz, (herein after "Respondent") holds a position as a Correctional Lieutenant 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 June 5, 2014, Sheriff Thomas J. Dart, sought suspension for one hundred and eight (180) days. The complaint alleges that Respondent violated the Rules and Regulations and General Orders of the Cook County Department of Corrections and Rules and Regulations of the Cook County Merit Board, specifically:

GENERAL ORDER 4.1

INTERNAL INVESTIGATIONS, in its entirety, including but not limited to, the following subparts:

II. REQUIREMENTS

Misconduct, which impairs an employee's ability to perform his/her assigned responsibilities, or adversely affects or involves the Cook County Department of Corrections and/or the Office of the Sheriff of Cook County may be cause for disciplinary action.

Serious misconduct would include those violations of the law which constitutes a misdemeanor or a felony, or alleged/suspected, violations of Cook County Department of Corrections rules and orders which pose a threat to the safety of the staff or inmates or the security of the institution. Included also is misconduct committed while an employee is off duty/outside the institution where in the official character and status of the employee as a correctional officer, deputy sheriff, law enforcement officer, or civilian correctional employee becomes identifiable and calls into question the reputation of the County of Cook, the Office of the Sheriff, or the Department of Corrections.

- A. Guidelines for SERIOUS MISCONDUCT include, but not limited to:
 - 1. Negligence leading to an escape.

SHERIFF'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:

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

- D. Prohibited associations, establishments, and activities.

CCSO employees shall not:

- 25. Fail to cooperate or fail to be truthful with external and/or internal agencies in an investigation of a criminal or civil matter.

- E. Duty functions.

CCSO employees shall:

- 1. Maintain sufficient competence to properly perform the duties and responsibilities of their positions. Unsatisfactory performance shall not be allowed.

- b. Unsatisfactory performance may be demonstrated by:

- iv. the failure to conform to work standards established for the employee's rank, grade or position.

H. Reporting violations.

- 4. Employees are prohibited from making a false report, written or oral.

VII. ADDITIONAL RULES AND REGULATIONS FOR SUPERVISORS

CCSO supervisors shall:

- A. Be responsible for subordinates' adherence to CCSO rules, regulations, policies, orders, directives and procedures.
- B. Be responsible and accountable for the maintenance of discipline and provide leadership, supervision, and example to ensure the efficiency, effectiveness, and performance of CCSO operations.
- C. Be responsible for the job performance of all subordinates placed under them.
- D.
- E. Delegate authority and functions where appropriate to subordinates, but shall be aware that responsibility remains with the supervisor who made the assignment.
- F. Remain answerable and accountable for all job-related failures on the part of their subordinates and subsequent failure to take the appropriate action to correct the deficiency.

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:

- 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 General Orders and Rules and Regulations set forth above and what if any discipline is appropriate if a violation occurred.

Evidence Presented:

A hearing was conducted on January 12, 2015 and March 3, 2015 at the Cook County Administration Building, 69 W. Washington Street, Room 1100, Chicago, Illinois. Present were Assistant State's Attorneys [REDACTED] and [REDACTED] and Assistant General Counsels [REDACTED] and [REDACTED] on behalf of the Cook County Sheriff and Attorney [REDACTED] on behalf of the Respondent.

The following exhibits were admitted into evidence:

Sheriff's Exhibits:

1. A memo dated 12-6-2012 written by Lt. Delitz – criteria for inmates on tier BA
2. Cook County Dept. of Corrections Outside Perimeter Work Crew Operational Plan
3. A written statement made by Lt. Delitz to OPR on 10-1-2013
4. A written statement made by Lt. Delitz to OPR on 10-10-2013
5. Group exhibit – copies of Sheriff's Ex 1 shown to staff at Division 11
6. n/a
7. A memo dated 08-27-2012 written by Lt. Delitz – list of inmates from Division 6

Respondent's Exhibits:

1. Cook County Dept. of Corrections Div. 11 Divisional in-house transfer log dated 09-26-2013
2. A memo dated 10-2-2013 written by Sgt. [REDACTED] to Lt. Delitz re: [REDACTED]
3. A memo dated 08-01-2012 written by AED [REDACTED] to Sup. [REDACTED] – Animal Care and Control / Outside Work Crew – Master List
4. A memo dated 11-28-2012 written by AED [REDACTED] to Lt. Delitz – Animal Care and Control and Sheriff's Volunteer Community Service Project – Master List
5. A minutes for IBM meeting dated 08-09-2012 from Lt. Delitz to Director [REDACTED]
6. An email dated 08-27-2012 from Sgt. [REDACTED] to Lt. Delitz re: Kennel workers
7. A memo dated 09-30-2012 from Cmdr [REDACTED] to All Division XI Lieutenants
8. IBM Implementation Committee Agenda dated 10-16-2012
9. An email dated 01-18-2013 from [REDACTED] to Lt. Delitz re: ACC
10. Minutes dated 03-26-2013 from [REDACTED] to Lt. Delitz
11. An email dated 07-31-2013 from [REDACTED] to Lt. Delitz
12. Lt. Delitz personnel file

The following witnesses testified for the Sheriff:

[REDACTED]

[REDACTED] (herein after "[REDACTED]"), currently is the Div 3 Superintendent. Prior to that, he was the Superintendent of Div 11. [REDACTED] worked for the Illinois Department of the Corrections (herein after "IDOC") for 26 years and retired from IDOC in 2004.

█████ first met the Respondent when she was a sergeant at Div 4. He had known her for approximately 2 years prior to working at Div 11 together. █████ said Respondent was in charge of Inmate Behavior Modification Program (herein after "IBM") which was created to impact behavior and manage inmates. Currently there are 32 tiers at Div 11 including 17 year-old inmates and general populations. █████ explained that Tier CD was a worker's tier and Tier BA was the IBM tier. There were 48 inmates housed on Tier BA on September 26, 2013 and he believed 24 inmates from BA were scheduled to work at the Kennel Program that was created to allow county sentenced inmates to leave the facility to work outside. █████ said that not all inmates in Tier BA were qualified to work at the Kennel Program. Inmates that had violent backgrounds, sexual criminal history, parole hold, and warrants from outside county were not eligible to work. In addition, inmates must wait 48 hours to be eligible to work.

With regard to inmate █████ (herein after "█████"), he was transferred from Tier CD to BA which was documented in the movement log. In September of 2013, █████ said Respondent was in charge of inmate transfers within Div 11. When Respondent was not present, the shift commander made decisions regarding inmate movements. Correctional Officers and Officers in Transport do not have the authority to transfer inmates within tiers.

In September 2013, █████ believed that he was responsible for IBM program and Respondent was the coordinator with duties that included moving inmates according to their qualification or housing assignments for programs already running. On September 28, 2013, █████ received a phone call from Lt. █████ the shift commander on duty, informing him that █████ had escaped from the Kennel Program outside the jail. As soon as he received this call, █████ drove to CCDOC. While driving, █████ called Respondent who informed him that she had not transferred █████ to Tier BA. █████ later learned that inmate █████ was captured 5 to 6 hours after the escape. He also learned that █████ was not eligible to be placed on Tier BA because he was a pre-trial inmate with a warrant from another county and a parole hold.

█████ testified that the first time he saw the Sheriff's Exhibit 1 (a memo from Lt. Delitz outlining the criteria for inmates on Tier BA) was right after █████'s escape. He received 5 days suspension from this incident and used his vacation days to satisfy the suspension. He believed he was suspended because he was the superintendent in charge of the program that allowed █████ to escape.

On cross-examination, █████ admitted that correctional officers in the holding cells may not know the criteria for Tier BA and in fact when there was no space available in general population, officers did transfer inmates to specialized units such as IBM. █████ said Tier BA was not a county sentenced unit and that there were no General Orders or Rules and Regulations governing IBM program since it was a pilot program. █████ said Respondent was in charge of the IBM Programs that included other programs such as parenting and yoga classes. █████ said Respondent had written memos and emails regarding IBM Programs without having his signature or other superintendents' signatures. He believed Respondent was not on duty on September 28, 2013 when the escape occurred. He said CO █████ and Lt. █████ were the officers that permitted █████ to go out with other inmates in the Kennel Program. He did not and was not involved in any discipline for █████ and █████. █████ was not aware of any application process for inmates for the Kennel Program but was aware of the background check being done. █████ said he knew Respondent did not approve █████ to be on the Kennel Program.

On re-direct examination, █████ said that there was a mixture of county and pre-trial inmates on Tier BA but that only county sentenced inmates qualified for the Kennel Program.

█ did not sign memos prepared by Respondent but had approved them. Respondent was authorized to write and distribute memos to all employees of Div 11 without █ seeing them.

█ (herein after "█") is the Assistant Director to OPR. Several days after the escape, she met with Assistant Executive Director █ (herein after "█") and was assigned to investigate this matter along with Investigator █. During this investigation, █ gathered movement logs, tier logs, █'s background. She interviewed inmates, officers, and Respondent on two occasions. On October 2, 2013, █ received operational objective for outside perimeter work crew from Director █ marked as Sheriff's Exhibit 2. From this document, █ learned that inmates selected for the Kennel Program must be county sentenced detainees. Sheriff Exhibit 2 did not specifically mention the Kennel Program but it applied to all work crews going outside CCDOC. █ also learned that █ had a parole hold, a warrant from outside Cook County, and was not county sentenced.

On October 1, 2013, Respondent waived counsel and appeared with a union representative to speak to OPR. Statements made by Respondent were reduced to Sheriff's Exhibit 3. During this meeting, Respondent brought a memo that she wrote on December 6, 2012 (previously marked as Sheriff's Exhibit 1) which outlined the criteria for inmates on Tier BA. On October 10, 2013, Respondent appeared at the OPR office and answered questions that were posed to her. Statements made by Respondent were reduced to Sheriff's Exhibit 4.

█ explained that from October 1, 2013 to October 10, 2013, she interviewed 15 officers that included officers, sergeants, a lieutenant and superintendents. Among these officers, no one had seen Sheriff's Exhibit 1. (Group Exhibit 5 - copies of Exhibit 1) █ said Respondent had told her that she had showed Sheriff's Exhibit 1 to Superintendent █ shift commanders and put copies in the holding and shift commander's mailbox. █ said Respondent did say that she transferred █ but not █ On October 1, 2013, Respondent said █ should not have been on Tier BA but on October 10, 2013, Respondent said █ did meet the criteria and having an outside county warrant with parole hold was not an issue to participate in IBM. When told that no one had seen Sheriff's Exhibit 1, Respondent said she did not know why. █ believed Respondent made false statement because had Respondent showed Sheriff Exhibit 1 to █ he would have placed his signature on the bottom of the memo. █ told █ that Respondent did not have authorization to create memos without his approval.

█ was not involved in the investigation of the officers that permitted █ escape. █ concluded that Respondent violated rules of conduct when she was negligent which led to █ escape and less than truthful during the investigation.

On cross-examination, █ said that █ had not authorized Sheriff's Exhibit 1 because general standing was that the superintendent had to authorize all memos. █ did not review and was not aware of other memos and emails regarding IBM programs that Respondent had written without the superintendent's signature. From the fifteen officers that █ had showed Sheriff's Exhibit 1, she did not know if any of them worked in Div 11 on December 6, 2012. █ said that all officers she interviewed regarding Sheriff's Exhibit 1 did work in Div 11 around 3 days of the escape.

On re-direct examination, █ said all officers she asked about Sheriff's Exhibit 1 worked in Div 11 in October of 2013. █ told █ that he had worked in Div 11 in

December of 2012 but had never saw Sheriff's Exhibit 1. [REDACTED] was unable to locate anyone that had seen Sheriff's Exhibit 1 prior to the escape.

DAMITA DELITZ:

Respondent was called as an adverse witness by the Sheriff. Respondent said she had Sheriff's Exhibit 1 drafted on December 6, 2013 with her signature, showed it to [REDACTED] and disseminated to all shift commanders by leaving copies in their mailboxes. She did not remember if one was posted on Tier BA. When the escape occurred, [REDACTED] asked Respondent for criteria for the Kennel Program, she gave a copy of the Sheriff's Exhibit 1 prior to his interview with OPR.

Respondent said that all inmates assigned to the Kennel Program and Sanitation were housed on Tier BA. Criteria for Kennel and Sanitation were the same when transferred to Div 11 from Div 6. Respondent said she had Sheriff Exhibit 1 drafted because the Kennel Program was part of IBM when it was incorporated and transferred from Div 6. Respondent said all inmates in Tier BA were in IBM but not all inmates housed in Tier BA qualified to work. Respondent said she did not always determined whether an inmate met the criteria for the Kennel Program because they were sometimes made by receiving, [REDACTED] Officer [REDACTED] or others. Respondent said Sheriff Exhibit 1 was for Div 11 and not for receiving. Respondent explained that there were two classifications on Tier BA: (1) inmates that were workers and (2) inmates that participated in IBM. She further explained that there were 48 inmates on Tier BA that included 10 for Sanitation and 16 for the Kennel Program. The inmates that participated in the Kennel Program were housed on the top or the bottom cells determined by the officers and were usually kept together. She admitted that she did not have a protocol in place to house the inmates that participated in the Kennel Program to avoid confusion.

Respondent testified that [REDACTED] was qualified to be on Tier BA for IBM but not to be a worker for the Kennel Program. Prior to having the Kennel Program transferred from Div 6 to Div 11, Respondent met with [REDACTED] Respondent explained that when the Kennel Program was at Div 6, it consisted of county sentenced inmates but the goal was to incorporate inmates in IBM with inmates from Div 6. Respondent said she received memos marked as Sheriff's Exhibit 7 from [REDACTED] that were dated August 1st, August 27th, and August 28th of 2012 that contained names of inmates being transferred from Div 6 to Div 11. These memos were given to her during the first meeting with [REDACTED] attended by [REDACTED] and [REDACTED]. [REDACTED] took minutes from the meeting where they discussed criteria for the Kennel Program but Respondent was not presented with any general orders or standard operating procedure to incorporate the Kennel Program into IBM. Sheriff's Exhibit 7, bate stamp 20, stated that "no changes are to be made to this list without authorization from Director [REDACTED] or Lieutenant Delitz." Sheriff's Exhibit 7 was an in-house Div 11 memo, dated August 27, 2012, presented to all shift commanders and officers assigned to Tier BA.

STIPULATION:

Stipulation by both sides that if called to testify, Superintendent [REDACTED] would testify that he was interviewed by OPR on October 18, 2013; that he had never seen, authorized or received Sheriff's Exhibit 1 from Respondent; and that if he had approved Sheriff's Exhibit 1, it would have either his initials or signature on the document.

RESPONDENT'S CASE:

██████████ (herein after "██████████") testified that she had been employed by CCSO since December 4, 1995 and currently works at Div 11 in the lobby. Her general duties included escorting attorneys; search and direct individuals for visits; and typing for Respondent. ██████████ said she was familiar with Sheriff's Exhibit 1 because she had typed it for Respondent.

On cross examination, ██████████ said she only saw Respondent at work. She had been working in Div 11 for approximately 17 years. She had been disciplined by CCSO sometime in the 90's for not securing her credentials but the findings were overturned.

██████████ (herein after "██████████") testified that he is currently employed by CCSO and had been for approximately 20 years. He had been a sergeant for the past 12 years and is currently assigned to Div 3. ██████████ said he had seen Sheriff's Exhibit 1 around the middle of December of 2012 and that Div 11 had log books that kept detainees' names, id numbers, where they were coming from and where they were placed. Respondent's Exhibit 1 was a copy of in-house transfer log that was kept in holding. Respondent's Exhibit 1 was dated September 26, 2013 that contained inmates name, id numbers, where they were coming from, where they were placed, who authorized the move, and the watch commander's signature. Around that time, ██████████ said that Commander ██████████ told him that they were having a problem with a particular worker on Tier BA, mainly that the worker did not want to work and that they wanted to transfer this worker to General Population. Respondent's Exhibit 2 was a memo dated October 2, 2013 written by ██████████ documenting a transfer of detainee ██████████ to a non-working tier. ██████████ said that it was him that transferred ██████████ but the document stated that Respondent had authorized it. ██████████ further stated that the transfer log had been wrong many times when it came to the person authorizing the move or transfer. He said that because of overcrowding, detainees were transferred to tiers where they did not meet the criteria. In Div 11, a holding officer will place these detainees on tiers until spots open up. ██████████ did not know if Respondent had authorized the transfer of ██████████ to Tier BA. He had known Respondent for 8 years working together as sergeants at Div 4. ██████████ explained that he had a work relationship with Respondent and had seen her at retirement parties.

██████████ (herein after "██████████") testified that he had been with CCSO for 18 years and 12 years as a sergeant. He explained that he had been at Div 11 for the last 3 years. He further explained the process of placing inmates: when an inmate came to Div 11, he was first placed in the holding area with several cells that were divided by the level of security. The classification division was responsible for determining security level for each inmate. There was a transfer log book kept in the holding area that documented all movements. ██████████ was familiar with Respondent's Exhibit 1. He said sergeants were usually responsible for the transfers within each division but if it was outside the division, it could be anybody. ██████████ said that his name had appeared on the transfer log book as the person authorizing a transfer even

when he did not. This did not happen often but he had seen it approximately 5 to 10 times. [REDACTED] did not know if Respondent had authorized the transfer of [REDACTED]. [REDACTED] had never been suspended from CCSO. He had known Respondent from work about 2 to 3 years. [REDACTED] had seen Sheriff's Exhibit 1 in the supervisor's office in Div 11 prior to the escape and did tell Respondent that he had seen it but was not told to inform OPR.

[REDACTED] (herein after "[REDACTED]") testified that he had been with CCSO since October 2001 and as a sergeant since April 2007. He is currently assigned to Div 11 working 7 to 3 shift. [REDACTED] said normally in his division, an officer must notify his immediate supervisor to request a transfer. Once a transfer was approved, the officer documented in the log book, and transferred the inmate. [REDACTED] had seen his name on the log book as the supervisor authorizing a transfer even when he did not. He had seen this approximately 5 to 10 times. He was familiar with Respondent's Exhibit 1 but did not have an independent recollection of it. [REDACTED] had been at Div 11 since 2011 and had seen Sheriff's Exhibit 1 at the window by the computer in the holding area. He did not know if he saw Sheriff's Exhibit 1 prior to [REDACTED] escape.

[REDACTED] (herein after "[REDACTED]") testified that she volunteered at the Cook County Jail. She taught parenting classes through Chicago Prison Outreach on Mondays and Wednesdays. She had known Respondent for 1 year and found Respondent to be truthful. She dealt with Respondent during orientation and had meetings regarding new classes and certifications. [REDACTED] stated that Respondent's reputation in the community was truthfulness, forefront with everyone, and fair.

[REDACTED] testified that he had known Respondent for 2 years. He is the owner of AC yoga and teaches health and wellness classes three times a week for the IBM.

[REDACTED] teaches parenting classes at the jail. She spends about 15 hours a month.

DAMITA DELITZ:

Respondent is a lieutenant at the CCSO, Div 11, IBM. She had been a lieutenant since July 2012 and a correctional officer from 1995 to 2003. She explained that IBM was a pilot program and a direct supervision of inmates with programs such as GED, health and wellness, yoga, AA classes, culinary arts, and art classes. IBM started in June 2012. She was asked to be part of IBM as a sergeant and was promoted to lieutenant. She explained that the Kennel Program consisted of 16 detainees that left Div 11 to work at the kennel facility daily. Director [REDACTED] was initially in charge of the program until it came to Div 11. Respondent's Exhibit 3 is a copy of the initial memo from [REDACTED] to [REDACTED] dated August 1, 2012, regarding the Kennel

Program coming from Div 6 to Div 11. Respondent's Exhibit 4 is a copy of an interoffice memo from [REDACTED] to Respondent dated November 28, 2012 with names of detained that were in the program that have county sentence and open court date. Open court date meant that the detainee had a pending case. Respondent's Exhibit 5 is a copy of a memo dated August 9, 2012 from Respondent to Dir. [REDACTED] regarding minutes from the IBM meeting. Respondent Exhibit 6 is a copy of an email dated August 27, 2012 from Sergeant [REDACTED] to Respondent expressing concern about detainees in Div 11 not being ready when he came to pick them up. Respondent's Exhibit 7 is a copy of a memo dated September 30, 2012, from Commander [REDACTED] regarding IBM Presence. These documents did not have superintendent's signature. Respondent's Exhibit 8 is a copy of the IBM Implementation Committee Agenda dated October 16, 2012. Respondent's Exhibit 9 is a copy of an email from Attorney [REDACTED] to Respondent dated January 18, 2012 regarding Sheriff's obligation under the contract to have 16 detainees for the Kennel Program each and every day. Respondent's Exhibit 10 is a copy of a minute dated March 26, 2013 from a meeting that [REDACTED] typed up for Respondent. There was a discussion of all detainees being interviewed and having signed waiver prior to going out for the Kennel Program.

Respondent said she did not interview [REDACTED] for the Kennel Program. She said there was a master list that contained names of inmates that were interviewed and signed waivers allowed to go out to work. She said not all inmates in the IBM programs were allowed to work outside. She did not keep the waivers but [REDACTED] did. Respondent's Exhibit 11 is a copy of an email dated September 31, 2013 from [REDACTED] to Respondent regarding an inmate that was housed in another division but could be part of the IBM program. The second page to the Respondent's Exhibit 11 was an Inmate Request form where an inmate was requesting to be part of the Kennel Program. Respondent's Exhibit 12 is Respondent's personnel file.

On cross-examination, Respondent testified that she was the IBM program coordinator that introduced certain programs into IBM and oversaw the incentive program's basic needs. She further testified that the commander, superintendent and the committee were in charge of determining whether a program was running properly. She said all inmates on Tier BA were in IBM, however, not all IBM inmates were eligible to leave to work outside. The inmates that were allowed to work outside were placed in certain cells. Respondent was in charge of determining which inmates were eligible to work outside and as a result, a list was created in conjunction with [REDACTED] office. This same list was in holding and the Sergeants who picked up the inmates.

Findings/Conclusion of the Law:

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given to the evidence including all the exhibits that were admitted, the Board finds that the Respondent did violate Sheriff's Order 11.2.20.0 Rules of Conduct, VII Additional Rules and Regulations for Supervisors A, B, C, E, and F and therefore violated Cook County Sheriff's Department Merit Board Rules and Regulations Article X, Paragraph B.

Respondent, as the person in charge of implementing all programs under IBM and the Kennel Program being part of it, was responsible for all subordinates job-related failures. Additionally she failed to have a protocol in place to house the inmates in the Kennel Program separately to avoid any confusion with inmates participating in the IBM but not qualified to work outside. The Board did not receive a copy of the list that contained the names of the inmates participating in the Kennel Program, however, Respondent did testify that such a list did exist at Tier BA and in holding. Since Respondent was in charge of the IBM and knew that not all inmates housed on Tier BA were eligible to work, she should have housed them separately to avoid any mistake. The transfer log book dated September 26, 2013 did show that Respondent was the person authorizing the transfer of [REDACTED] and there was no testimony by any witnesses on either side that said otherwise other than Respondent's statement. There were witnesses that did testify that the log book was sometimes wrong but no one had personal knowledge whether Respondent had authorized the transfer of [REDACTED] or that the log book was incorrect. As far as the Sheriff Exhibit 1, the Board believes that this memo was created on December 6, 2012 as testified to by Respondent, CO [REDACTED] Sergeant [REDACTED] Sergeant [REDACTED] and Sergeant [REDACTED]. The Board does believe that Respondent was truthful with OPR during the October 1st and 10th of 2013 interviews.

It is important to note that Superintendent [REDACTED] received 5 days suspension for this incident whereas he was in charge of the Kennel Program and the Respondent being in charge of coordinating this program and incorporating it into IBM.

Order:

Wherefore, based on the foregoing, it is hereby ordered that the Sheriff's request to suspend Respondent for 120 days from the Cook County Sheriff's Office is denied and Respondent is suspended for 5 days effective as of June 5, 2014.



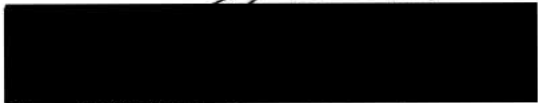
James P. Nally, Chairman



Brian J. Riordan - Hearing Officer



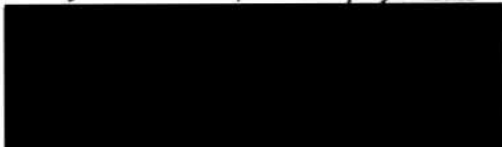
Kim R. Widup, Board Member
*DISSAT AS TO LENGTH OF SUSP.
SHOULD BE MORE.*



Jennifer E Bae, Board Member



Byron Brazier, Vice-Chairman



John D'Alcandro, Secretary



Vincent T. Winters, Board Member



Patrick Brady, Board Member

Date June 14, 2015