

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)

vs.)

) **Docket No. 1945**

Cierra Thurman)
Police Officer)

Decision

This matter coming on to be heard pursuant to the Order of Remand for additional findings of facts supporting the decision of the Cook County Sheriff's Merit Board to deny the termination of Respondent Police Officer Cierra Thurman. The following additional findings are made by the Cook County Sheriff's Merit Board:

The Cook County Sheriff's Merit Board issued its original decision on this matter on December 14, 2018 denying the termination of the Respondent Cierra Thurman, Police Officer, and setting forth in detail the rules, regulations and violations that were charged in the complaint, as well as a detailed exposition of the evidence through witness testimony and documents admitted into evidence.

1. The Board found that CO Cierra Thurman had not violated Sheriff's orders CCSPD Rules and Regulations, General Order # ROC-00-01-A, including:
 - a. A.11.12, Secondary Employment ("Approval must be obtained prior to accepting or commencing secondary employment.")
 - b. A.14.1, Publicity ("Members will not seek personal articles publicity in the course of their employment. In the event that . . . any type [of] media . . . highlights individual Department Officers . . . member must receive prior written approval through the chain of command before such work is initiated.")
 - c. A.14.3, Public Appearances ("Department members will not . . . appear on radio or television programs . . . wherein, they are identified as an Officer or civilian of the Department . . .")
 - d. A.15.6, Physical and Mental Condition ("Officers will not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive any official of this Department . . . as to the condition of their health.")
2. CCSPD Policy 1020.3(b), Restrictions and Limitations of Secondary Employment ("Working Secondary Employment is prohibited . . . "[w]hen the member is a probationary member, except following promotions within Departments.")
3. Sheriff's Order 11.4.55.3.VII.B., Restrictions and Limitations of Secondary Employment (same as (2).)
4. Sheriff's Order 11.2.20.1, Conduct Policy (governing off duty conduct).

5. CCSPD Policy 321, Conduct (same as (4)).
6. CCSPD Policy 1029.3.2(g), Employee Speech, Expression and Social Networking (“Posting . . . images of Sheriff’s Office logos, emblems, uniforms, badges . . . or other material that specifically identifies the Sheriff’s Office on any personal or social networking or other website . . .”)
7. CCSD Merit Board Rules and Regulations, Article X, Paragraph B, No. 3. (prohibiting violations of applicable order and rules).

The Board finds that the following facts, in addition to the factual findings contained in the original decision, do not support a termination in this case:

██████████ (“██████████”), Executive Officer of the Sheriff’s Office (Tr.13), was informed through an unidentified source that Thurman was (1) posting references on social media that she had a second job; and (2) was posting videos on social media that she was engaged in physical activity which was thought by the unidentified source to be contrary to the physical limitations related to her restricted duty status (Tr.16-17).

On Sheriff’s Exhibit #2 (Thurman’s doctor’s surgical follow-up reports of 8/26/15; 9/23/15; 11/4/15; and 12/16/15), each report prescribes Thurman to perform “home exercises” in addition to the work restrictions listed thereon (Tr.187).

Nurse ██████████ reviewed the physician’s note for Respondent. (R. 25-26) In July 2015, Nurse ██████████ wrote a note that the Respondent was returning to work with restrictions as stated by her doctor. (R. 27) The note required limited steps, no squatting, no kneeling, limited walking, standing only for 15 minutes and will need 15-20 minute breaks, no running, may carry a weapon and may drive a car. (R. 27) These records were admitted into the evidence at the Merit Board Hearing. (R. 27-28) These restrictions were in place as of July 31, 2015. (R. 29) Respondent’s restrictions on August 26, 2015, were may carry a weapon, limit walking 30 to 45 minutes at a time, no running, no kneeling, limited squatting. (R. 30) Respondent’s restrictions on September 23, 2015 according to her doctor, were no running, no squatting, no kneeling, can drive, can carry a weapon. (R. 32)

Inspector ██████████’s conclusion was that Respondent in November 2015 had the ability to squat and kneel when her medical documents indicated she could not. (R. 61) The allegations then became that Respondent was falsifying her documentation and her abilities regarding her job. (R. 61) Another video of Respondent from December 2, 2015 of her doing jumping jacks was reviewed Inspector ██████████ (R. 64) This again was a contradiction to the medical paperwork filed with HR by Respondent. (R. 66) Another video entitled Kneeling Back Kick was reviewed by Inspector ██████████ from December 10, 2015. (R. 66) The video was likely posted in November 2015. (R. 67) This video was contradictory to what Respondent submitted in terms of paperwork to the Sheriff’s Office. (R. 69) Respondent is seen doing various exercises that again are contrary to her documentations provided to HR. (R. 77) Respondent is doing various exercises including pushups and leg lifts. (R. 78)

Respondent is seen in various photographs in her uniform identified by her Cook County Sheriff’s Police collar and the official star of the Department. (R. 78) Several photos of Respondent’s social media accounts were introduced into evidence which she identifies herself as a Sheriff’s Police Officer in violation of their policy. (R. 83)

The evidence in this case presented through social media videos and photos show Respondent working on the TV show ██████████ as an extra in violation of Department policy. (R.84) Inspector ██████████ states that

the Respondent was in violation of the secondary employment policy of the Sheriff's Office while working as an extra. (R.85) Respondent was still completing her probationary period during the time she worked secondary employment. (R. 104)

Respondent admits that she identified herself as a police officer on social media and after her OPR interview changed her social media status and identifications. (R. 230) Respondent admits that she did not notify the Sheriff's Department about her work on the show [REDACTED]. (R. 231) Respondent admits that she now does consider the work for [REDACTED] secondary employment. (R. 232) Respondent at first did not consider this activity as secondary employment (Tr.231). Respondent ceased doing it after [REDACTED] told her that, in his opinion, it was secondary employment (Tr.232). Respondent admits that a police officer needs to follow orders, follow the rules, tell the truth and not provide false information. (R. 248-249) Respondent admits that the probationary period lasted one year. (R. 249) Respondent admits as a probationary officer, she is not allowed to have secondary employment. (R. 254)

Order

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given to the evidence in the record, the Board finds, by a preponderance of the evidence, that Police Officer Cierra Thurman violated Sheriff's orders, CCSPD Rules and Regulations, General Order # ROC-00-01-A, including:

- a. A.11.12, Secondary Employment ("Approval must be obtained prior to accepting or commencing secondary employment.")
- b. A.14.1, Publicity ("Members will not seek personal articles publicity in the course of their employment. In the event that . . . any type [of] media . . . highlights individual Department Officers . . . member must receive prior written approval through the chain of command before such work is initiated.")
- c. A.14.3, Public Appearances ("Department members will not . . . appear on radio or television programs . . . wherein, they are identified as an Officer or civilian of the Department . . .")

CCSPD Policy 1029.3.2(g), Employee Speech, Expression and Social Networking ("Posting . . . images of Sheriff's Office logos, emblems, uniforms, badges . . . or other material that specifically identifies the Sheriff's Office on any personal or social networking or other website . . .")

CCSD Merit Board Rules and Regulations, Article X, Paragraph B, No. 3. (prohibiting violations of applicable order and rules).

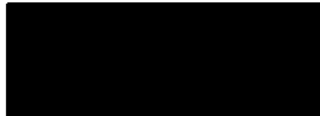
Further, the following taken direct from the initial Merit Board decision dated December 14, 2018 on this matter. The Merit Board concurs with these points.

First, as an initial matter, the Sheriff failed to establish that Respondent's transitional work assignment resulted in an extension of her probationary period despite conflicting documentary and testimonial evidence on this point. Nevertheless, this differentiation is not dispositive given that the Sheriff ultimately failed to establish that Respondent's status as a promotional probationary employee officially robbed her of her rights as a long-tenured Cook County Sheriff's Correctional Officer. Clearly, Respondent is not a probationary employee who can be terminated for little or no reason. If such was the case, the Sheriff would not have brought this matter before the Board. In fact, the very filing of this case with the Board operates as a waiver of Sheriff's argument that it could discharge Respondent for any reason as a probationary employee.

Second, the evidence established that Respondent was properly placed in a transitional work assignment following knee surgery, and that the videos posted to her social media accounts depict her home exercises which were ordered by her surgeon. Her surgeon made clear through his testimony that her work restrictions did not apply to her home exercises, which were designed to strengthen her knee. Common sense dictates that Respondent would have had to exercise her knee to some degree before being well enough to have her work restrictions lifted.

Wherefore, based on the foregoing, it is hereby ordered that the Sheriff's request to terminate and remove Cierra Thurman, respondent, from the Cook County Sheriff's Office is not granted. However, Respondent Cierra Thurman violated Cook County Sheriff's Office policy and procedures as noted and is ordered to be suspended for 90 days effective January 3, 2017.

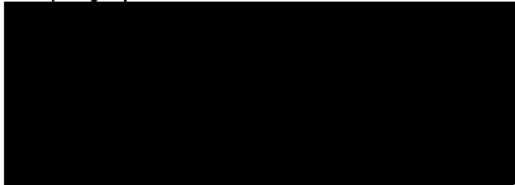
SIERRA THURMAN
POLICE OFFICER
DOCKET NO. 1945



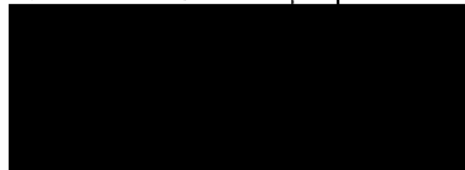
John J. Dalicandro, Chairman



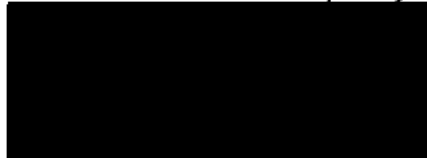
Kim R. Widup, Board Member



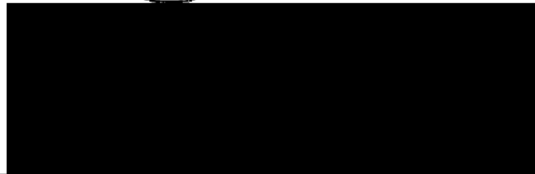
Byron Brazier, Vice-Chairman



Juan L. Baltierres, Board Member



Vincent T. Winters, Secretary



Kimberly Pate Godden, Board Member

Date November 22, 2019