

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
)
vs.)
) **Docket No. 2105**
)
Deputy Sheriff Sergeant)
Lawrence R. Garrett)
Star # 1053)

DECISION

This matter coming on to be heard pursuant to notice before Gray Mateo-Harris (former Board Member), on January 9th, 2018 March 20th and 21st, 2019, and reassigned to Vincent T. Winters, Board Member, the Cook County Sheriff's (CCSO) Merit Board finds as follows:

Jurisdiction

Lawrence Garrett, hereinafter Respondent, was appointed a Deputy Sheriff on April 12, 1995 and then promoted to a Deputy Sheriff Sergeant on March 26, 2000. Respondent's position as a Deputy Sheriff Sergeant 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 the 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.

As a threshold matter, a proceeding before the Merit Board is initiated at the time the Sheriff files a written charge with the Merit Board. 55 ILCS 5/3-7012. A document is considered filed, in this case with the Merit Board, "when it is deposited with and passes into the exclusive control and custody of the [Merit Board administrative staff], who understandingly receives the same in order that it may become a part of the permanent records of his office." *See Dooley v. James A. Dooley Associates Employees Retirement Plan*, 100 Ill.App.3d 389, 395 (1981) (quoting *Gietl v. Commissioners of Drainage District No. One*, 384 Ill. 499, 501-502 (1943) and citing *Hamilton v. Beardslee*, 51 Ill. 478 (1869)); accord *People ex rel. Pignatelli v. Ward*, 404 Ill. 240, 245 (1949); *in re Annex Certain Terr. To the Village of Lemont*, 2017 IL App (1st) 170941, ¶ 18; *Illinois State Toll Highway Authority v. Marathon Oil Co.*, Ill. App. 3d 836 (1990) ("A 'filing' implies delivery of a document to the appropriate party with the intent of having such document kept on file by that party in the appropriate place." (quoting *Sherman v. Board of Fire & Police Commissioners*, 111 Ill. App. 3d 1001, 1007 (1982))); *Hawkyard v. Suttle*, 188 Ill. App. 168, 171 (1914 ("A paper is considered filed when it is delivered to the clerk for that purpose.")).

The original Complaint in this matter was filed with the Merit Board's administrative staff

Docket No. 2105
Deputy Sheriff Sergeant
Lawrence Garrett
Star # 1053

on March 23, 2018 and an amended complaint was filed on March 27, 2018. Regardless of whether or not Merit Board Members were properly appointed during a given term, the Merit Board, as a quasi-judicial body and statutorily created legal entity, maintained at all times a clerical staff not unlike the Clerk of the Circuit Court ("Administrative Staff"). These Administrative Staff members receive and date stamp complaints, open a case file, assign a case number, and perform all of the functions typically handled by the circuit clerk's office. Just as a timely filed complaint would be accepted by the circuit clerk even if there were no properly appointed judges sitting on that particular day, so too was the instant Complaint with the Administrative Staff of the Merit Board. Accordingly, the Complaint filed on March 23, 2018 commenced the instant action, was properly filed, and will be accepted as the controlling document for calculating time in this case.

Findings of Fact

The Sheriff filed a complaint on March 23, 2018 and an amended complaint on March 27, 2018. The Sheriff is requesting termination.

On April 12, 1995, Respondent was appointed a Deputy Sheriff. On March 26, 2000 Respondent was promoted to Deputy Sheriff Sergeant. On May 2, 2017, Respondent was on-duty at Markham Court Courthouse located at 16501 S. Kedzie Parkway, Markham, Illinois. On May 2, 2017 Respondent was assigned to Lockup and Second floor on the 0700-1500 hours shift.

The Sheriff called [REDACTED] who was employed with the Cook County Office of Professional Review and was a correctional officer prior to his promotion. (R. 11, 12). [REDACTED]'s responsibilities in OPR are internal investigations for allegations of misconduct by staff. (R. 12). [REDACTED] testified that he recalled investigating an incident that took place on May 2, 2017, where two male detainees were raped by a female detainee in the courtroom. (R. 14). [REDACTED] interviewed the original four officers who were accused of wrongdoing and sustained findings against all four officers for mishandling the detainees and allowing males to be with females. (R. 15, 16). He was ultimately assigned to investigate the entire incident which included the Respondent. (R. 16). [REDACTED] testified that along with many other exhibits, he relied on Sheriff's exhibit 10 which was the Respondent's log which made no mention of any notifications to the Sheriff's Police, CIID, Medical or any other type of notification. (R. 40). [REDACTED] testified that if a supervisor gives an order that is contradictory to a policy that the subordinate should follow policy and that policy trumps any order by a supervisor. (R. 42). [REDACTED] testified that he relied on Sheriff's policies and Rules and Regulations in making his finding and reviewed a number of them including the Conduct Policy. (R. 43). He found that the Respondent violated the policy by not conducting or notifying supervisors and co-partners such as CIID investigators, that the incident was criminal in nature. (R. 45). He also believes that the Respondent violated the section of the policy regarding notification because the Respondent never called for medical help when individuals were requesting medical nor did he help the next shift out by informing them of what took place. (R. 47). [REDACTED] testified that because sexual assaults are serious in nature and do involve criminal conduct the Respondent should have had medical check the inmates that requested after the incident. (R. 46, 47). [REDACTED] testified that he believed that

Docket No. 2105
Deputy Sheriff Sergeant
Lawrence Garrett
Star # 1053

the Respondent's conduct in his statement to him in his August 31, 2017 interview were misleading and provided him false information by indicating that he was "only following orders" and was not involved in the case other than he was told to conduct statements and have his deputies conduct statements. (R.48). Respondent admitted that CIID should have been called and that Medical was called too late. (R.49). [REDACTED] also testified that Respondent misrepresented or failed to disclose material facts to his investigation and that the detainees were not separated when they were being interviewed. (R.50). [REDACTED] testified that he believed that Policy 903 regarding prison rape elimination was violated because the Respondent did not make an extra phone call to his lieutenant informing her of the allegations, he did not take proper steps in separating the individuals from general population, he did not secure the scene and no notifications were made to CIID or medical. (R. 62, 63, 67). [REDACTED] testified that the Respondent was the front line supervisor and as a supervisor they are not required to get an order, they can take action immediately without the need to be exactly told what to do. (R.97). [REDACTED] testified that his findings were that the Respondent should have notified his lieutenant, made sure all other proper notifications were made, called CIID, made sure the detainees were separated and provided them with medical attention and continuously updated his lieutenant. (R. 102).

Sheriff called [REDACTED], who has been with the Sheriff's Police for 21 years and was formerly with the CIID. (R. 104, 105). [REDACTED] testified that the role of the CIID is to investigate all crimes in the 14 Courthouses, the Juvenile Detention Center and the 10 divisions of Cook County Jail. (R. 105, 106). [REDACTED] testified that he was not notified of the incident on May 2, 2017 until the next day. (R. 107). On May 3, 2017 [REDACTED] learned that there was a criminal sexual assault by two males claiming that they were criminally sexually assaulted by a female. (R. 108). [REDACTED] testified what he would have done if he were notified, unfortunately none of it was done.

Sheriff called [REDACTED], who at the time of the hearing had worked for the Cook County Sheriff's Office for 18 years, and was assigned to the Markham Courthouse lockup on May 2, 2017. (R. 127). [REDACTED] testified that on May 2, 2017 two male detainees alleged that they were raped by a female detainee and he was present with the Respondent at the time these allegations were made. (R. 128). The two male detainees reported that the female detainee had a bloody syringe and threatened to stick them if they did not perform oral sex among other things. (R. 129). [REDACTED] testified that he was ordered to question the detainees and write a report although he was never trained to conduct investigatory interviews regarding sexual assault. (R. 130). [REDACTED] testified that after he took the statements, he told the Respondent that he should not have done that, the investigators should have done it. (R 130).

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 that Respondent violated the Cook

Docket No. 2105
Deputy Sheriff Sergeant
Lawrence Garrett
Star # 1053

County Services Department Policy Manual Policy 201 Supervisory Rank and Responsibilities; Cook County Court Services Department Policy manual Policy 321 Conduct; Cook County Court Services Department Policy Manual Policy 400 Conduct; Cook County Court Services Department Policy Manual Policy 903 Prison Rape Elimination; Cook County Court Services Department Policy Manual Policy 811, Correctional Information and Investigations Division; and Cook County Sheriff's Department Merit Board Rules and Regulations, Article X, Paragraph B.

Order:

Wherefore, based on the foregoing, it is hereby ordered that Respond Lawrence Garrett be terminated from the Cook County Sheriff's Office effective March 23, 2018.

MB2105
Deputy Sergeant
Lawrence R. Garrett
Star 1053



James P. Nally, Chairman



Byron Brazier, Vice-Chairman



John Galicandro, Secretary



Kim R. Widup, Board Member



Vincent T. Winters, Board Member



Juan L. Baltierres, Board Member



Patrick M. Brady, Board Member



Kimberly Pate Godden, Board Member

Date July 23, 2019

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
)
vs.)
) **Docket No. 2105**
Deputy Sheriff Sergeant)
Lawrence R. Garrett)
Star # 1053)

DECISION

This matter coming on to be heard pursuant to notice before Gray Mateo-Harris (former Board Member), on January 9th, 2018 March 20th and 21st, 2019, and reassigned to Vincent T. Winters, Board Member, the Cook County Sheriff's (CCSO) Merit Board finds as follows:

Jurisdiction

Lawrence Garrett, hereinafter Respondent, was appointed a Deputy Sheriff on April 12, 1995 and then promoted to a Deputy Sheriff Sergeant on March 26, 2000. Respondent's position as a Deputy Sheriff Sergeant 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 the 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.

As a threshold matter, a proceeding before the Merit Board is initiated at the time the Sheriff files a written charge with the Merit Board. 55 ILCS 5/3-7012. A document is considered filed, in this case with the Merit Board, "when it is deposited with and passes into the exclusive control and custody of the [Merit Board administrative staff], who understandingly receives the same in order that it may become a part of the permanent records of his office." *See Dooley v. James A. Dooley Associates Employees Retirement Plan*, 100 Ill.App.3d 389, 395 (1981)(quoting *Gietl v. Commisssioners of Drainage District No. One*, 384 Ill. 499, 501-502 (1943) and citing *Hamilton v. Beardslee*, 51 Ill. 478 (1869)); accord *People ex rel. Pignatelli v. Ward*, 404 Ill. 240, 245 (1949); *in re Annex Certain Terr. To the Village of Lemont*, 2017 IL App (1st) 170941, ¶ 18; *Illinois State Toll Highway Authority v. Marathon Oil Co.*, Ill. App. 3d 836 (1990) ("A 'filing' implies delivery of a document to the appropriate party with the intent of having such document kept on file by that party in the appropriate place." (quoting *Sherman v. Board of Fire & Police Commissioners*, 111 Ill. App. 3d 1001, 1007 (1982))); *Hawkyard v. Suttle*, 188 Ill. App. 168, 171 (1914 ("A paper is considered filed when it is delivered to the clerk for that purpose.")).

The original Complaint in this matter was filed with the Merit Board's administrative staff on March 23, 2018 and an amended complaint was filed on March 27, 2018. Regardless of whether or not Merit Board Members were properly appointed during a given term, the Merit Board, as a quasi-judicial body and statutorily created legal entity, maintained at all

times a clerical staff not unlike the Clerk of the Circuit Court ("Administrative Staff"). These Administrative Staff members receive and date stamp complaints, open a case file, assign a case number, and perform all of the functions typically handled by the circuit clerk's office. Just as a timely filed complaint would be accepted by the circuit clerk even if there were no properly appointed judges sitting on that particular day, so too was the instant Complaint with the Administrative Staff of the Merit Board. Accordingly, the Complaint filed on March 23, 2018 commenced the instant action, was properly filed, and will be accepted as the controlling document for calculating time in this case.

Findings of Fact

The Sheriff filed a complaint on March 23, 2018 and an amended complaint on March 27, 2018. The Sheriff is requesting termination.

On April 12, 1995, Respondent was appointed a Deputy Sheriff. On March 26, 2000 Respondent was promoted to Deputy Sheriff Sergeant. On May 2, 2017, Respondent was on-duty at Markham Court Courthouse located at 16501 S. Kedzie Parkway, Markham, Illinois. On May 2, 2017 Respondent was assigned to Lockup and Second floor on the 0700-1500 hours shift.

The Sheriff called [REDACTED] who was employed with the Cook County Office of Professional Review and was a correctional officer prior to his promotion. (R. 11, 12). [REDACTED]'s responsibilities in OPR are internal investigations for allegations of misconduct by staff. (R. 12). [REDACTED] testified that he recalled investigating an incident that took place on May 2, 2017, where two male detainees were raped by a female detainee in the courtroom. (R. 14). [REDACTED] interviewed the original four officers who were accused of wrongdoing and sustained findings against all four officers for mishandling the detainees and allowing males to be with females. (R. 15, 16). He was ultimately assigned to investigate the entire incident which included the Respondent. (R. 16). [REDACTED] testified that along with many other exhibits, he relied on Sheriff's exhibit 10 which was the Respondent's log which made no mention of any notifications to the Sheriff's Police, CIID, Medical or any other type of notification. (R. 40). [REDACTED] testified that if a supervisor gives an order that is contradictory to a policy that the subordinate should follow policy and that policy trumps any order by a supervisor. (R. 42). [REDACTED] testified that he relied on Sheriff's policies and Rules and Regulations in making his finding and reviewed a number of them including the Conduct Policy. (R. 43). He found that the Respondent violated the policy by not conducting or notifying supervisors and co-partners such as CIID investigators, that the incident was criminal in nature. (R. 45). He also believes that the Respondent violated the section of the policy regarding notification because the Respondent never called for medical help when individuals were requesting medical nor did he help the next shift out by informing them of what took place. (R. 47). [REDACTED] testified that because sexual assaults are serious in nature and do involve criminal conduct the Respondent should have had medical check the inmates that requested after the incident. (R. 46, 47). [REDACTED] testified that he believed that the Respondent's conduct in his statement to him in his August 31, 2017 interview were misleading and provided him false information by indicating that he was "only following orders" and was not involved in the case other than he was told to conduct statements and have his deputies conduct statements. (R.48). Respondent admitted that CIID should have been called and that Medical was called too late. (R.49). [REDACTED] also testified that Respondent misrepresented or failed to disclose material facts to his investigation and that the detainees were not separated when they were being interviewed. (R.50). [REDACTED] testified that he believed that Policy 903

regarding prison rape elimination was violated because the Respondent did not make an extra phone call to his lieutenant informing her of the allegations, he did not take proper steps in separating the individuals from general population, he did not secure the scene and no notifications were made to CIID or medical. (R. 62, 63, 67). [REDACTED] testified that the Respondent was the front line supervisor and as a supervisor they are not required to get an order, they can take action immediately without the need to be exactly told what to do. (R.97). [REDACTED] testified that his finding were that the Respondent should have notified his lieutenant, made sure all other proper notifications were made, called CIID, made sure the detainees were separated and provided them with medical attention and continuously updated his lieutenant. (R. 102).

Sheriff called [REDACTED], who has been with the Sheriff's Police for 21 years and was formerly with the CIID. (R. 104, 105). [REDACTED] testified that the role of the CIID is to investigate all crimes in the 14 Courthouses, the Juvenile Detention Center and the 10 divisions of Cook County Jail. (R. 105, 106). [REDACTED] testified that he was not notified of the incident on May 2, 2017 until the next day. (R. 107). On May 3, 2017 [REDACTED] learned that there was a criminal sexual assault by two males claiming that they were criminally sexually assaulted by a female. (R. 108). [REDACTED] testified what he would have done if he were notified, unfortunately none of it was done.

Sheriff called [REDACTED], who at the time of the hearing had worked for the Cook County Sheriff's Office for 18 years and was assigned to the Markham Courthouse lockup on May 2, 2017. (R. 127). [REDACTED] testified that on May 2, 2017 two male detainees alleged that they were raped by a female detainee and he was present with the Respondent at the time these allegations were made. (R. 128). The two male detainees reported that the female detainee had a bloody syringe and threatened to stick them if they did not perform oral sex among other things. (R. 129). [REDACTED] testified that he was ordered to question the detainees and write a report although he was never trained to conduct investigatory interviews regarding sexual assault. (R. 130). He also specifically told Respondent about the issue regarding the syringe. (R. 132). [REDACTED] testified that after he took the statements, he told the Respondent that he should not have done that, the investigators should have done it. (R 130).

[REDACTED], a sergeant with the Cook County for 16 years at the time of the hearing and was a sergeant in May of 2017 in the Markham Courthouse working lock up, testified that he learned on his shift that two male detainees were asking for medical attention prior to him getting on his shift at 3:00 pm. (R. 156, 168). [REDACTED] testified that the detainees had asked the respondent for medical attention much earlier in the day. (R. 168). [REDACTED] testified that when there is an incident on a prior shift the person you are replacing notifies you of what occurred and that it is the policy of the Sheriff's Office to call medical for those detainees. (R. 170, 171). [REDACTED] went on to testify that whether the story was a hoax or the detainees were making up a story it did not matter because when they asked for medical attention they had to give it to them and that even though he was ordered not to call medical, he thought it was an invalid or illegal order and that he called for medical anyway. (R. 172-174).

Respondent testified that he was the second watch supervisor at the Markham Courthouse on May 2, 2017 working the 7:00 am to 3:00 pm shift (R. 178). Respondent testified that Deputy [REDACTED] showed up with detainees [REDACTED] and [REDACTED] and that they had reported to him that a deputy put them in a cell with a female detainee and that the female detainee had raped them. (R. 184 & 185). Respondent ordered the deputies to take statements from the witnesses. (R. 188 & 189). Respondent testified that he did not make a call for medical for the males or the female nor did he call CIID, but that he should

have. (R. 204, 205, 206). He admitted to OPR that medical should have been called a lot earlier and that CIIC should have been called right away. (R. 209, 210). Respondent admitted that he did not have the training to conduct interviews in criminal sexual assault cases and did not know if his deputies [REDACTED] and [REDACTED] did, or did not. (R. 207).

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 that Respondent violated

COOK COUNTY COURT SERVICES DEPARTMENT POLICY MANUAL POLICY 201
(effective: May 1, 2017)

SUPERVISORY RANK AND RESPONSIBILITIES, in its entirety, including but not limited to, the following subparts:

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the roles and functions of supervisory members within the command structure of the Cook County Court Services Department. This policy encompasses both sworn and non-sworn member positions.

201.2 POLICY

Supervisors, both sworn and civilian, shall be responsible for making decisions, and operating and communicating in a manner consistent with Department policies, procedures, practices, functions and objectives. In order to accomplish the stated purposes, the Department is organized according to administrative levels as outlined within this policy. Persons possessing supervisory rank or authority outlined within this policy shall, in general, be responsible for the following:

- (a) The direction and control of members under their command to assure the performance of duties and adherence to established policies and procedures.
- (b) The close supervision of subordinate supervisors, making corrections where necessary, and to exercise command when appropriate. They remain

answerable and accountable for failures and/or inadequacies on the part of their subordinates.

- (d) The proper organization and assignment of duties within their command to assure proper performance of the Department and specifically assigned functions.

201.2.1 SUPERVISORY MANAGEMENT LOG

The on-duty supervisor will be responsible for maintaining his/her respective Supervisor Management Log. The Supervisor Management Log will contain special notices, information from prior shifts and other information the supervisor deems appropriate for dissemination among the unit members.

201.7 SERGEANT

All sworn members attaining the rank of sergeant will exercise command authority and have responsibility, subject to the orders of a higher authority, for the stated functions and duties of their assignments. Sergeants will remain aware of criminal activity and specific problem areas, coordinate activities by direction of supervisory members toward resolving those problems, and ensure the development and maintenance of a proactive and disciplined force in the area under their command.

Additional duties of sergeants include:

- (a) The supervision of their subordinates, making corrections where necessary and to exercise command where appropriate.
- (b) Ensuring those under their command or supervision are responsible and diligent in the performance of their duties.

- (d) The enforcement of department rules and regulations and compliance with established policies and procedures.
- (g) Familiarizing themselves with all subjects pertaining to the duties of their subordinates, instructing them in the proper discharge of their duties, and providing any assistance necessary.
- (h) Being aware of the actions of their subordinates, in that they will be held accountable when flagrant failures in police operations or continuing misconduct by subordinates is discovered, regardless of whether they were aware of the situation or not.
- (i) Ensuring the proper completion of all tasks, reports, and notifications; and the submission of all necessary materials in a timely manner.
- (j) Responding expeditiously as practicable to any emergency, disaster or other major incidents which occur in area of responsibility and supervising the subsequent investigations.
- (l) Being alert to the need for summoning specialists for law enforcement matters and ensuring the proper protection of crime scenes;
- (m) Giving special instructions to subordinates to ensure that they take appropriate action on problems that could develop on their assignment.
- (n) Preparing a Supervisor's Management Log according to instructions by making entries every 45 minutes and submitting it at the end of their tour of duty.

COOK COUNTY COURT SERVICES DEPARTMENT POLICY MANUAL POLICY 321
(effective: May 1, 2017)

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

321.2 POLICY

Members of the CCSO shall conduct themselves in a professional and ethical manner, both on- and off-duty. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning member conduct. Every member is also subject to the provisions contained throughout this policy and applicable written directives, as well as any additional guidance on conduct that may be disseminated by the CCSO or the member's supervisors.

321.4 CONDUCT POLICY

The continued employment or retention of every CCSO 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-duty or off-duty, may be cause for disciplinary action, up to and including termination.

A member's off-duty conduct shall be governed by this policy to the extent that it is related to any act that may affect or arise from the member's ability to perform official duties, or to the extent that it may be indicative of unfitness of his/her position.

321.5 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the CCSO disciplinary standards. This list is not intended to cover every possible type of misconduct, and does not preclude the recommendation of disciplinary action for

specific action or inaction that is detrimental to efficient service. Conduct which may result in discipline includes but is not limited to the following:

321.52 CONDUCT

(f) Failure to report activities on his/her own part or the part of any other member where such activities may result in criminal prosecution or discipline under this policy.

(t) Any other on- or off-duty conduct which a member knows or reasonably should know is unbecoming a member of the CCSO; which is contrary to good order, efficiency, or morale; or which tends to reflect unfavorably upon the CCSO or its members.

321.55 PERFORMANCE

(c) Unsatisfactory work performance including, but not limited to failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors.

(e) Concealing, attempting to conceal, removing, or destroying defective, or incompetent work.

(l) Knowingly making any false, misleading, or malicious statement that may harm or destroy the reputation, authority, or official standing of the CCSO or any members thereof.

(m) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive; or the willful and unauthorized destruction, alteration, removal, and/or mutilation of any CCSO record, book, paper or document.

- (z) Any knowing or negligent violation of the provisions of policy, operating procedures or other written directive of an authorized supervisor.
 - 1. Members are responsible for reading and becoming familiar with its contents, and are responsible for compliance with the content contained therein.
- (ac) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement:
 - 1. On any application, examination form or other official document, report or form; or
 - 2. During the course of any work-related investigation.
- (ad) Giving any false or misleading statement, or misrepresenting or omitting material information, to a supervisor or other person in a position of authority in connection with any investigation or in the reporting of any CCSO-related business.
- (ae) Failure to take reasonable action when required by law, statute, resolution or approved CCSO practices, policies or procedures.
- (ap) Any failure or refusal of a member to properly perform the function and duties of an assigned position.

COOK COUNTY COURT SERVICES DEPARTMENT POLICY MANUAL POLICY 400
(effective: August 1, 2017)

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

400.5 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the CCSO disciplinary standards. This list is not intended to cover every possible type of misconduct, and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient service. Conduct which may result in discipline includes but is not limited to the following:

400.52 CONDUCT

- (t) Any other on- or off-duty conduct which a member knows or reasonably should know is unbecoming a member of the CCSO; which is contrary to good order, efficiency, or morale; or which tends to reflect unfavorably upon the CCSO or its members.

400.55 PERFORMANCE

- (c) Unsatisfactory work performance including, but not limited to failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors.
- (e) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (l) Knowingly making any false, misleading, or malicious statement that may harm or destroy the reputation, authority or official standing of the CCSO or any members thereof.

- (m) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive; or the willful and unauthorized destruction, alteration, removal, and/or mutilation of any CCSO record, book, paper or document.
- (z) Any knowing or negligent violation of the provisions of policy, operating procedures or other written directive of an authorized supervisor.
 - 1. Members are responsible for reading and becoming familiar with its contents, and are responsible for compliance with the content contained therein.
- (ac) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement:
 - 1. On any application, examination form or other official document, report or form; or
 - 2. During the course of any work-related investigation.
- (ad) Giving any false or misleading statement, or misrepresenting or omitting material information, to a supervisor or other person in a position of authority in connection with any investigation or in the reporting of any CCSO-related business.
- (ae) Failure to take reasonable action when required by law, statute, resolution or approved CCSO practices, policies or procedures.

COOK COUNTY COURT SERVICES DEPARTMENT POLICY MANUAL POLICY 903
(effective May 1, 2017)

PRISON RAPE ELIMINATION, in its entirety, including but not limited to, the following subparts:

903.1 PURPOSE AND SCOPE

This policy establishes guidelines consistent with the Prison Rape Elimination Act (PREA) to deter and respond to the sexual abuse and sexual harassment of persons in the control of the Cook County Sheriff's Office (CCSO).

903.2 POLICY

The CCSO has zero tolerance for sexual abuse or sexual harassment of persons in CCSO custody. The sexual abuse, sexual harassment and engaging in voyeurism of persons in CCSO custody are strictly prohibited. Illinois law does not recognize the consent of a person in CCSO custody as a defense to crimes related to sexual activity with staff members or contractors. Nothing in this order shall permit consensual sexual activity between subjects in custody.

If any members discovers that a person in CCSO custody has been sexually abused or sexually harassed or is at substantial risk of imminent sexual abuse, prompt action must be taken to protect him/her.

The CCSO shall provide victims of sexual abuse with the same services victims of sexual abuse would have access to in the community, unless a specific security reason dictates otherwise.

All allegations of sexual abuse shall be investigated promptly, thoroughly, and objectively, including third-party and anonymous reports, by investigators who have received training on the investigation of PREA-related allegations. No investigation shall be terminated due

to the release, discharge or transfer of an accused or victim from control of the jail, or by the departure from employment of an accused.

In the event an allegation sexual abuse is substantiated, the CCSO shall seek criminal charges against the offender for those offenses occurring within its jurisdiction and shall cooperate with other jurisdictions when necessary.

903.3 APPLICABILITY

This Order is applicable to all employees of the CCSO. All employees shall familiarize themselves with the contents of this Order. Supervisors shall review the contents of this Order with all employees as appropriate. Failure to adhere to the provisions of this order will result in disciplinary action up to and including termination.

903.9 OBLIGATION OF CCSO MEMBERS TO REPORT

- (a) Any CCSO member has a responsibility to report as soon as practicable through their chain of command any knowledge, suspicion, or information regarding:
 1. An incident of sexual abuse, sexual harassment or voyeurism that is occurring or has occurred within a CCSO facility or program;
 3. Any staff neglect or violations of responsibilities that may have contributed to an incident or retaliation; and
 4. Any known or suspected sexual conduct among subjects.
- (c) Failure to report under this section or make materially false statements under this section shall subject the member to discipline, up to and including termination.

COOK COUNTY COURT SERVICES DEPARTMENT POLICY
MANUAL POLICY 134 CORRECTIONAL INFORMATION AND
INVESTIGATIONS DIVISION (CUD), in its
entirety, including but not limited to, the following subparts:

134.2 POLICY

Members of the Cook County Services Department shall adhere to the guidelines of this policy. CUD shall be the primary investigative unit in all instances when members of the Court Services Department are victimized by Department of Corrections inmates.

134.3 CUD INVESTIGATIONS WITHIN THE COURT
SERVICES DEPARTMENT

The scope of CUD's investigative authority within the Court Services Department shall be limited to incidents involving a Department of Corrections inmate who commits a criminal activity (e.g., Battery, Assault) against a member while in the custody of the Court Services Department. In such cases, an on-duty supervisor shall notify CUD as soon as practicable. Upon notification, CUD shall assume control of the incident and act as the primary investigative unit. Members shall fully cooperate with CUD investigators during the course of the investigation.

37. Furthermore, the RESPONDENT's actions violated the Rules and Regulations of the 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 or Rules and Regulations of the Cook County Sheriff's Department or Cook County Sheriff's Merit Board Rules and Regulations.

the Cook County Services Department Policy Manual Policy 201 Supervisory Rank and Responsibilities; Cook County Court Services Department Policy manual Policy 321 Conduct; Cook County Court Services Department Policy Manual Policy 400 Conduct; Cook County Court Services Department Policy Manual Policy 903 Prison Rape Elimination; Cook County Court Services Department Policy Manual Policy 811, Correctional Information and Investigations Division; and Cook County Sheriff's Department Merit Board Rules and Regulations, Article X, Paragraph B.

Order:

Wherefore, based on the foregoing, it is hereby ordered that Respond Lawrence Garrett be terminated from the Cook County Sheriff's Office effective March 23, 2018.

JOHN J. DALICANDRO, Chairman
BYRON BRAZIER, Vice-Chairman
VINCENT T. WINTERS, Secretary
KIM R. WIDUP, Board Member
JUAN L. BALTIERRES, Board Member
KIMBERLY PATE GODDEN, Board Member
ELENI P. SIANIS, Board Member



Telephone: 312-603-0170
Fax: 312-603-9865
Email: Sherif.MeritBoard@cookcountyil.gov

COOK COUNTY
SHERIFF'S MERIT BOARD
69 West Washington - Suite 1100
Chicago, IL 60602

Lawrence Garrett
Deputy Sergeant
Docket No. 2105

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

John J. Dalicandro, Vincent T. Winters, Kim R. Widup, Juan L. Baltierres, Kimberly Pate Godden and Eleni P. Sianis.

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 21st DAY OF JANUARY, 2021.

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
)
vs.)
) **Docket No. 2105**
DEPUTY SHERIFF SERGEANT)
LAWRENCE R. GARRETT)
STAR #1053)

DECISION

This matter coming on to be heard pursuant to notice before Gray Mateo-Harris (former Board Member), on January 9th, 2018 March 20th and 21st, 2019, and reassigned to Vincent T. Winters, Board Member, the Cook County Sheriff's (CCSO) Merit Board finds as follows:

Jurisdiction

Lawrence Garrett, hereinafter Respondent, was appointed a Deputy Sheriff on April 12, 1995 and then promoted to a Deputy Sheriff Sergeant on March 26, 2000. Respondent's position as a Deputy Sheriff Sergeant 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 the 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.

Lawrence Garrett, (Respondent) was appointed a Deputy Sheriff on April 12, 1995. That on March 26, 2000, Respondent was promoted to Deputy Sheriff Sergeant. On May 2, 2017, Respondent was on-duty at Markham Courthouse located at 16501 S. Kedzie, Markham, Illinois. On May 2, 2017, Respondent was assigned to Lockup and second floor on the 0700-1500 hours shift. Respondent's position as a Deputy Sheriff Sergeant 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 March 23, 2018, and an amended Complaint on

Docket No. 2105
Deputy Sheriff Sergeant
Lawrence Garrett
STAR # 1053

March 27, 2018, seeking termination of Respondent. Petitioner alleged that on May 2, 2017, Respondent was told by two male detainees that a female detainee had committed a sexual assault against each of them in a cell behind Courtroom 106 at Markham Courthouse; that on the same date the Respondent failed to separate the two male detainees and he failed to seek medical attention for the two male detainees. Petitioner also alleges that Respondent failed to secure or search the scene where the alleged crime was committed. Respondent interviewed the female detainee and then notified his supervisor Deputy Lieutenant [REDACTED] ("Lt. [REDACTED]"), but afterwards he failed to notify the Correctional Information and Investigation Division ("CIID") of the Cook County Sheriff's Office ("CCSO"). Respondent never notified anyone trained to conduct criminal investigations, although he knew that CCSO policies and protocol required that CIID conduct the criminal interviews, but Respondent ordered Deputy Sheriff's under his command to interview the alleged victims. When Respondent wrote his Offense/ Incident Supplemental Report he did not include the allegation that the two male detainees made about rape and that "deputies" had let them into the cell that was holding the female detainee. Respondent and Lt. [REDACTED] decided that medical attention was not required for the accusing male detainees, nor was it required for the accused female detainee. The Respondent falsely reported to the OPR investigators that Lt. [REDACTED] told him that she called CIID on May 2, 2017, to report the allegations by the two males detainees. The Respondent also falsely to OPR investigators that both he and Deputy Sergeant [REDACTED] both told Lt. [REDACTED] that the detainees needed medical attention on May 2, 2017.

After the case was continued from time to time, and discovery completed, it was called for a formal hearing on January 9, 2018, and continued March 20 and 21, 2019. 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:

Cook County Services Department Policy Manual Policy 201 Supervisory Rank and Responsibilities; Cook County Court Services Department Policy manual Policy 321 Conduct; Cook County Court Services Department Policy Manual Policy 400 Conduct; Cook County Court Services Department Policy Manual Policy 903 Prison Rape Elimination; Cook County Court Services Department Policy Manual Policy 811, Correctional Information and Investigations Division; and Cook County Sheriff's Department Merit Board Rules and Regulations, Article X, Paragraph B.

Findings of Fact

Docket No. 2105
Deputy Sheriff Sergeant
Lawrence Garrett
STAR # 1053

The Sheriff called [REDACTED] who was employed with the Cook County Office of Professional Review and was a correctional officer prior to his promotion. (R. 11, 12). [REDACTED]'s responsibilities in OPR are internal investigations for allegations of misconduct by staff. (R. 12). [REDACTED] testified that he recalled investigating an incident that took place on May 2, 2017, where two male detainees were raped by a female detainee in the courtroom. (R. 14). [REDACTED] interviewed the original four officers who were accused of wrongdoing and sustained findings against all four officers for mishandling the detainees and allowing males to be with females. (R. 15, 16). He was ultimately assigned to investigate the entire incident which included the Respondent. (R. 16). [REDACTED] testified that along with many other exhibits, he relied on Sheriff's exhibit 10 which was the Respondent's log which made no mention of any notifications to the Sheriff's Police, CIID, Medical or any other type of notification. (R. 40). [REDACTED] testified that if a supervisor gives an order that is contradictory to a policy that the subordinate should follow policy and that policy trumps any order by a supervisor. (R. 42). [REDACTED] testified that he relied on Sheriff's policies and Rules and Regulations in making his finding and reviewed a number of them including the Conduct Policy. (R. 43). He found that the Respondent violated the policy by not conducting or notifying supervisors and co-partners such as CIID investigators, that the incident was criminal in nature. (R. 45). He also believes that the Respondent violated the section of the policy regarding notification because the Respondent never called for medical help when individuals were requesting medical nor did he help the next shift out by informing them of what took place. (R. 47). [REDACTED] testified that because sexual assaults are serious in nature and do involve criminal conduct the Respondent should have had medical check the inmates that requested after the incident. (R. 46, 47). [REDACTED] testified that he believed that the Respondent's conduct in his statement to him in his August 31, 2017 interview were misleading and provided him false information by indicating that he was "only following orders" and was not involved in the case other than he was told to conduct statements and have his deputies conduct statements. (R.48). Respondent admitted that CIID should have been called and that Medical was called too late. (R.49). [REDACTED] also testified that Respondent misrepresented or failed to disclose material facts to his investigation and that the detainees were not separated when they were being interviewed. (R.50). [REDACTED] testified that he believed that Policy 903 regarding prison rape elimination was violated because the Respondent did not make an extra phone call to his lieutenant informing her of the allegations, he did not take proper steps in separating the individuals from general population, he did not secure the scene and no notifications were made to CIID or

Docket No. 2105
Deputy Sheriff Sergeant
Lawrence Garrett
STAR # 1053

medical. (R. 62, 63, 67). [REDACTED] testified that the Respondent was the front line supervisor and as a supervisor they are not required to get an order, they can take action immediately without the need to be exactly told what to do. (R.97). [REDACTED] testified that his finding were that the Respondent should have notified his lieutenant, made sure all other proper notifications were made, called CIID, made sure the detainees were separated and provided them with medical attention and continuously updated his lieutenant. (R. 102).

Sheriff called [REDACTED], who has been with the Sheriff's Police for 21 years and was formerly with the CIID. (R. 104, 105). [REDACTED] testified that the role of the CIID is to investigate all crimes in the 14 Courthouses, the Juvenile Detention Center and the 10 divisions of Cook County Jail. (R. 105, 106). [REDACTED] testified that he was not notified of the incident on May 2, 2017 until the next day. (R. 107). On May 3, 2017 [REDACTED] learned that there was a criminal sexual assault by two males claiming that they were criminally sexually assaulted by a female. (R. 108). [REDACTED] testified what he would have done if he were notified, unfortunately none of it was done.

Sheriff called [REDACTED], who at the time of the hearing had worked for the Cook County Sheriff's Office for 18 years and was assigned to the Markham Courthouse lockup on May 2, 2017. (R. 127). [REDACTED] testified that on May 2, 2017 two male detainees alleged that they were raped by a female detainee and he was present with the Respondent at the time these allegations were made. (R. 128). The two male detainees reported that the female detainee had a bloody syringe and threatened to stick them if they did not perform oral sex among other things. (R. 129). [REDACTED] testified that he was ordered to question the detainees and write a report although he was never trained to conduct investigatory interviews regarding sexual assault. (R. 130). He also specifically told Respondent about the issue regarding the syringe. (R. 132). [REDACTED] testified that after he took the statements, he told the Respondent that he should not have done that, the investigators should have done it. (R 130).

[REDACTED], a sergeant with the Cook County for 16 years at the time of the hearing and was a sergeant in May of 2017 in the Markham Courthouse working lock up, testified that he learned on his shift that two male detainees were asking for medical attention prior to him getting on his shift at 3:00 pm. (R. 156, 168). [REDACTED] testified that the detainees had asked the respondent for medical attention much earlier in the day. (R. 168). [REDACTED] testified that when there is an incident on a prior shift the person you are replacing notifies you of what occurred and that it is the policy of the Sheriff's Office to call medical

Docket No. 2105
Deputy Sheriff Sergeant
Lawrence Garrett
STAR # 1053

for those detainees. (R. 170, 171). [REDACTED] went on to testify that whether the story was a hoax, or the detainees were making up a story it did not matter because when they asked for medical attention they had to give it to them and that even though he was ordered not to call medical, he thought it was an invalid or illegal order and that he called for medical anyway. (R. 172-174).

Respondent testified that he was the second watch supervisor at the Markham Courthouse on May 2, 2017, working the 7:00 am to 3:00 pm shift (R. 178). Respondent testified that Deputy [REDACTED] showed up with detainees [REDACTED] and [REDACTED] and that they had reported to him that a deputy put them in a cell with a female detainee and that the female detainee had raped them. (R. 184 & 185). Respondent ordered the deputies to take statements from the witnesses. (R. 188 & 189). Respondent testified that he did not make a call for medical for the males or the female nor did he call CIID, but that he should have. (R. 204, 205, 206). He admitted to OPR that medical should have been called a lot earlier and that CIIC should have been called right away. (R. 209, 210). Respondent admitted that he did not have the training to conduct interviews in criminal sexual assault cases and did not know if his deputies [REDACTED] and [REDACTED] did or did not. (R. 207).

Respondent testified that he told his supervisor, and that the Sheriff's notification does not state who in particular is responsible to make notifications to CIID. Respondent is trying to shift blame.

Order

Wherefore, based on the foregoing, it is hereby ordered that Respond Lawrence Garrett be terminated from the Cook County Sheriff's Office effective March 23, 2018.

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



Telephone: 312-603-0170
Fax: 312-603-9865
Email: Sheriff.MeritBoard@ccsheriff.org

COOK COUNTY
SHERIFF'S MERIT BOARD
69 West Washington - Suite 1100
Chicago, IL 60602

Lawrence R. Garrett
Deputy Sheriff Sergeant
Docket No. 2105

This Remand 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.