

MCOOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
)
vs.)
) **Docket No. 2226**
Correctional Officer)
Kevin McKinney)
)
Star # 16817)

DECISION

This matter coming on to be heard pursuant to notice before Eleni P. Sianis, Board Member, on August 24, 2022, and reassigned to John J. Dalicandro, Board Member, the Cook County Sheriff's (CCSO) Merit Board finds as follows:

Jurisdiction

Kevin McKinney, hereinafter Respondent, was appointed a correctional officer on October 17, 2011. Respondent's position as a Correctional Officer 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 Jacobs, Burns, Orlove & Hernandez, LLP to contest the charges contained in the Complaint.

Findings of Fact

The Sheriff filed a complaint on March 11, 2020. The Sheriff is requesting termination.

From November 9, 2014, through April 15, 2018, Respondent was assigned to work in Division 8 of the Cook County Department of Corrections. While working in Division 8, Respondent met [REDACTED], a civilian employee of the Cook County Sheriff's Office ["CCSO"]. (Tr. 57:3-6)

On April 16, 2018, Respondent was assigned to Division 11 of the Cook County Department of Corrections. While working in Division 11, Respondent met [REDACTED], a detainee incarcerated within Division 11. (Tr. 1:12) On September 4, 2018, an investigator with the Sheriff's Office Intel Center ["SOIC"] alerted Office of Professional Review ["OPR"] Director [REDACTED] that SOIC had monitored phone conversations that indicated Respondent might attempt to bring outside food to detainee [REDACTED]. (Tr. 19:19-20:4; RX 2)

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In response to the SOIC report, [REDACTED] and another OPR investigator, [REDACTED], set up surveillance outside the entrance to Division 11. (Tr. 21:10-22:1) At approximately 11:50 a.m., [REDACTED] entered Division 11 carrying a white bag. (Tr. 22:15-19) [REDACTED] and [REDACTED] followed [REDACTED] inside Division 11 and observed her ask the desk officer to contact Respondent. (Tr. 22:23-23:5; RX 2) The desk officer then called Respondent on the radio and asked him to come to the lobby. (Tr. 23:6-11, 57:21-24) Respondent testified that when he met [REDACTED] in the lobby, [REDACTED] told him she had brought him lunch and explained that the bag contained two plates of food, one of which could be reheated in the microwave while the other contained food that could be eaten cold. (Tr. 57:21-24, 58:1-5) Respondent further testified that [REDACTED] never told him the food was intended for a detainee, and he never suggested he would bring the food to a detainee. (Tr. 58:12)

[REDACTED] testified; he is with the Office of Professional Review. (R. 9) He has been with the Sheriff's Office for 30 years and with the OPR since 2013. (R. 9) He is currently the Director of the Confidential Criminal Investigations Unit and has been in that position for 1-1/2 years. (R. 10) He investigated the Respondent McKinney's allegations himself and identified the Respondent in the room. (R. 10-11) The allegations in the Complaint Register against Respondent McKinney were that he was going to bring contraband food into the institution by way of food delivered to a detainee. (R. 13)

OPR was made aware of the allegations of the Respondent McKinney bringing food into the institution by an investigator from the Sheriff's Intel Center, [REDACTED]. (R. 20) After reviewing and learning of these calls OPR set up a surveillance outside Division 11 and through the phone calls they learned of a date and time when the person was coming with the contraband. (R. 21) Investigator [REDACTED] did the surveillance with Investigator [REDACTED] and during the investigation they witnessed a female get out of a vehicle with a white bag that appeared to contain contraband inside and followed her as she walked into the institution. (R. 22-23)

They witnessed and heard this female go to the front desk and call for Respondent McKinney to the lobby and after several minutes he appeared in the lobby and she gave the Respondent the bag, which they later learned contained two Styrofoam containers of food. (R. 23)

They were able to identify the female who had the food as a Cook County employee based on the lanyard and ID that was clearly visible and they discovered her name to be [REDACTED]. (R. 24)

In a subsequent interview, Respondent McKinney denied knowing [REDACTED] and that he did not know she was coming with food for him and that he never received any food for detainee [REDACTED]. (R. 26) He reported to Director [REDACTED] after he accepted the food in the lobby that the food was for him. (R. 62) Respondent admits that he is responsible to comply with all written policies, procedures as well as the Merit Board Rules. (R. 65, 66)

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Conclusion

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given by the evidence in the record, the Board finds, by a preponderance of the evidence, that Respondent Kevin McKinney did violate the Cook County Sheriff's Department Rules and Regulations,

COOK COUNTY DEPARTMENT OF CORRECTIONS CUSTODY MANUAL

POLICY 1012

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

101.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Cook County Sheriff's Office and are expected of all department members. This policy applies to all Sheriff's Office members.

101.1.1 ISSUANCE/EFFECTIVE DATE

This policy was re-issued on Dec. 3, 2018 and shall become effective upon issuance (operational updates).

101.2 POLICY

Members of the Sheriff's Office 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 Sheriff's Office or the member's supervisors.

101.4 CONDUCT POLICY

The continued employment or retention of every Sheriff's Office member shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any member to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action, up to and including termination.

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 for his/her position.

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101.5 CONDUCT THAT MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the Sheriff's Office 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:

101.5.5 PERFORMANCE

(m) Knowingly making any false, misleading or malicious statement that may harm or destroy the reputation, authority or official standing of the Sheriff's Office or any member thereof.

(ab) Any knowing or negligent violation of the provisions of a policy, operating procedure or other written directive of an authorized supervisor.

1. Members are responsible for reading and becoming familiar with the contents of applicable policies and procedures and are responsible for compliance with the content contained therein.

(ae) Failure to disclose facts or misrepresenting facts, or the making of any false or misleading statement:

2. During the course of any work-related investigation.

(af) 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 Sheriff's-Office-related business.

The evidence sustains the charges filed against him. Respondent McKinney's testimony was he had no idea Ms. [REDACTED] was coming and that she just showed up for that day to bring him food. Even though he did not know [REDACTED], he still came to the lobby and accepted the food. Someone you don't know is bringing you food unannounced. He further denied the food was from him or for him to bring to detainee [REDACTED]. Respondent McKinney made false statements and misrepresented the facts. Based on facts from the investigation the telephone calls that were reviewed and the interviews, Respondent McKinney accepted the food from Ms. [REDACTED] on September 4, 2018, with a specific intention to deliver to detainee [REDACTED].

Order

Wherefore, based on the foregoing, it is hereby ordered that Respondent Kevin Mc Kinney be suspended for 90 days from the Cook County Sheriff's Office effective March 11, 2020.

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



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

John J. Dalicandro, Byron Brazier, Kimberly Pate Godden, Terrence J. Walsh, Marla M. Kaiden and Wade Ingram Sr.

Not Present: Vince T. Winters

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 20th DAY OF OCTOBER, 2022.