

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
)
vs.)
) **Docket No. 1670**
Correctional Officer)
Rico Palomino)
Employee # [REDACTED])
Star # 4315)

DECISION

This matter coming on to be heard pursuant to notice before Pat Brady, Board Member, on August 27, 2015, the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

Rico Palomino, hereinafter "Respondent," was appointed a Correctional Officer on July 10, 2000. Respondent's position as a Correctional Officer involves duties and responsibilities to the public; and

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; and

The Board has jurisdiction of the subject matter of the parties in accordance with Chapter 55 of the Illinois Compiled Statutes; and

The Respondent was personally 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; and

The Board has heard the evidence presented by the Sheriff and the Respondent and has evaluated the credibility of the witnesses and supporting evidence. After considering the evidence, the Board finds as follows:

Background

On July 10, 2000, the Respondent was appointed a Correctional Officer assigned to receiving, 2700 South California, Chicago, Illinois.

On June 16, 2012, Respondent while on duty in the Receiving unit in the Cook County Department of Corrections, struck a detainee in the face with a closed fist with no apparent legal justification.

On June 16, 2012, the Respondent caused injury to detainee [REDACTED] by striking him in the face with a closed fist.

On August 1, 2012, Respondent was arrested and charged with the offense of Official Misconduct for striking detainee [REDACTED]

On September 6, 2012, Respondent was Indicted by a Cook County Grand Jury for the offenses of Aggravated Battery and Official Misconduct.

On June 17, 2015, Respondent was convicted of Aggravated Battery and Official Misconduct.

Issues Presented

The Respondent was charged based on his actions detailed above with violations of the Rules and Regulations and General Orders of the Cook County Department of Corrections, specifically:

GENERAL ORDER 3.8

III. REQUIREMENTS

A. COMPLIANCE WITH LAWS AND REGULATIONS

1. Employees will obey all federal, state, county and municipal laws.
4. Employees will comply with lawful departmental rules, written procedures, directives, bulletins and verbal orders issues by the proper authorities.

D. PROFESSIONAL CONDUCT

1. Employees will refrain from the use of abusive or obscene language, threats and coercion.
2. Detainees will not be subjected to sexual, emotional, verbal or physical abuse or the use of unnecessary levels of force.
4. Employees will not commit acts that jeopardize security of the Facility or the health, safety and welfare of detainees, staff and visitors.

GENERAL ORDER 4.1

III. REQUIREMENTS

A. Guidelines for SERIOUS MISCONDUCT include, but are not limited to:

5. Failure to observe all Federal, State and local laws.
10. Inmate, employee or visitor abuse.
17. Engage in any conduct unbecoming to an employee of the Cook County Department of Corrections which tends to reflect discredit on the Department of Corrections or Sheriff's Office.

COOK COUNTY SHERIFF'S DEPARTMENT MERIT BOARD RULES AND REGULATIONS:

Article X, Paragraph B

No police officer of the Cook County Sheriff's Police Department, Correctional Officer of the Cook County Department of Corrections or Deputy Sheriff of the Cook County Sheriff's Court Services Department will:

- 1. Violate any law or statute of any State or of the United States of America.**
- 2. Violate any ordinance of a County or Municipal Government.**
- 3. Violate any of the general orders, special orders, directives or rules and regulations of the Cook County Sheriff's Office**

Findings of Fact

This matter was called for trial on August 27, 2015. At the trial, with a court reporter being present, all witnesses were sworn under oath. The Respondent did not testify. During the trial documents were introduced by the Sheriff and the Respondent that were received into evidence. Additionally, there were certain documents that were admitted as exhibits through agreed upon stipulations by both parties. The Sheriff and Respondent made closings arguments addressing issues in the trial.

Through stipulation between the parties, the Sheriff and Respondent introduced joint exhibits that were the following: Joint Exhibit 1 (J-Exhibit 1) was a certified copy of conviction of Respondent; J-Exhibit 2 was Illinois Revised Statutes relating to Aggravated Battery; J-Exhibit 3 was a videodisk showing the video camera footage from June 16, 2012; J-Exhibit 4, was the CCDOC Incident Report dated June 16th, 2012; J-Exhibit 5 was Sheriff's Order 3.8; J-Exhibit 6 J-Exhibit 5 was the statement of the Respondent to OPR and related documents; Respondent's Exhibit #1 was a previously issued Cook County Sheriff's Merit Board decision, Sheriff of Cook County vs [REDACTED] Docket #1549. In addition, the entire transcript of the criminal proceedings involving the respondent was incorporated into the record.

At trial, a video of the incident was shown. The only witness called was Inspector [REDACTED] who was an employee of the Cook County Sheriff's Office of Professional Review. He was the Inspector called to investigate the incident involving the Respondent. In the course of his investigation, he reviewed the video of the incident and the various reports produced in the course of the investigation. Inspector [REDACTED] concluded that the Respondent had violated several of the County County Sheriff's Office General Orders.

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Decision

The Board finds by a preponderance of the evidence through the testimony of the witnesses at the hearing and from the criminal trial and the video tape recording of the June 16th, 2012, incident that the Respondent, without any justification, struck and injured a detainee. The video tape recording is overwhelming evidence of the Respondents behavior in violations of the General Orders of the Cook County Sheriff's Office and of the Criminal Laws of the State of Illinois.

Conclusions of Law

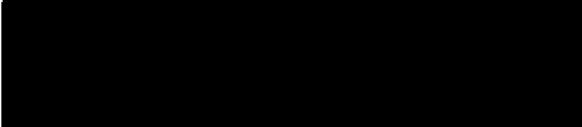
Based on the evidence presented and after assessing the credibility of the witnesses and the weight to be given the evidence in the record, the Board finds that Respondent Rico Palomino did violate Cook County Sheriff's Office General Order 3.8, A, 1,4; D, 1,2,4; Cook County Sheriff's General Order 4.1, A, 5, 10,17; and Cook County Sheriff's Department Merit Board Rules and Regulation, Article X, Paragraph B, 1.

Wherefore, based on the foregoing, it is hereby ordered that the Respondent Rico Palomino be terminated from employment by the Cook County Sheriff effective December 31, 2012.

Rico Palomino CO #1670



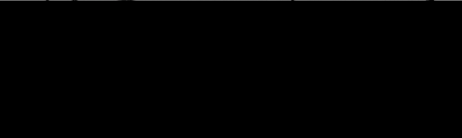
James P. Nally, Chairman



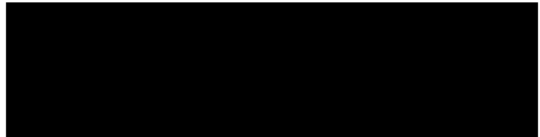
Byron Brazier, Vice Chairman



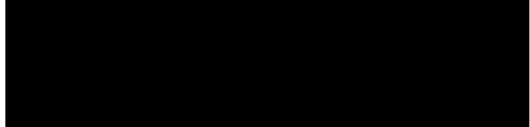
John J. Daticandro, Secretary



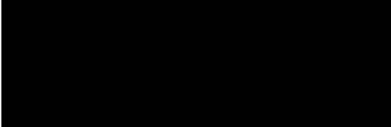
Vincent T. Winters, Board Member



Jennifer E. Bae, Board Member



Kim R. Widup, Board Member



Patrick Brady, Board Member



Gray Mateo-Harris, Board Member

Dated:

June 16, 2016

