

**ARTICLE V**

**DISCIPLINE**

I. Policy

- A. The Office of Professional Review (“OPR”) will conduct criminal and administrative investigations into allegations of violations of State and Federal Law, of violations of Cook County Sheriff’s Office General Orders, of those individuals or organizations involved in financial, professional or criminal misconduct relating to Cook County Sheriff’s Office programs and operations and allegations of Unlawful Political Discrimination.
- B. This order is applicable to all Sheriff’s Office employees. Any employee found in violation of this Order, including all procedures outlined, may be subject to Discipline, up to and including Termination of employment, in accordance with any Collective Bargaining Agreements, Sheriff’s Merit Board Rules, and State or Federal statutes.
- C. The Sheriff’s Office respects its relationships with its employees’ legally recognized collective bargaining representatives and the provisions of the CBAs it has negotiated with such representatives. Those relationships are governed by the Illinois Public Labor Relations Act, 5 ILCS 315, *et seq.*, as amended, and the Employment Plan and the Sheriff’s Employment Action Manual (SEAM) will be construed and administered consistent with that Act to the extent that the construction or administration does not conflict with the United States Constitution or federal civil rights laws. With respect to Shakman Non-exempt Employees, if a CBA is in conflict with the language in the Employment Plan or SEAM, the language in the CBA governs provided it does not permit or involve the use of Political Reasons or Factors. If any provision in a CBA allows for management discretion involving any Employment Action, such management discretion must be exercised subject to the Sheriff’s Order regarding Unlawful Political Factors and Reasons, Reporting and Retaliation, and to procedures contained in the Sheriff’s Employment Plan and SEAM. If the CBA does not contain a specific procedure or is otherwise silent, the relevant procedure in the Employment Plan or SEAM must be followed.

II. Reference

- A. Court Services Department General Orders
- B. Custodial Department General Orders

- C. Department of Community Supervision and Intervention General Orders
- D. Department of Corrections General Orders
- E. Cook County Sheriff's Police Department General Orders
- F. Sheriff of Cook County Employment Plan
- G. Sheriff's Order 09-3
- H. Sheriff's Order 9.9.10
- I. Sheriff's Order 11.1.22.0
- J. Cook County Ethics Ordinance 04-0-18
- K. Uniform Peace Officers' Disciplinary Act, 50 ILCS 725
- L. Cook County Sheriff's Merit Board, 55 ILCS 5/3-7001, et. seq.

### III. Procedure

The Office of the Inspector General and individual Internal Affairs Sections of the Cook County Sheriff's Office were previously disbanded and as of March 16, 2007, were thereafter reorganized into the Office of Professional Review. All references in General Orders to the Inspector General and/or the Internal Affairs Division shall now be interpreted to mean the Office of Professional Review. All operations of the Office of Professional Review shall be in accordance with the General Orders, the Sheriff of Cook County Employment Plan; State and Federal Law; the Office of Professional Review Standard Operating Procedure and Collective Bargaining Agreements, if applicable. The authority of the Executive Director of the Office of Professional Review is derived from the Sheriff and as such, the Executive Director of OPR has the authority to establish standardized internal administrative procedures within OPR.

- A. Reporting of Complaints: All allegations of criminal wrongdoing or administrative misconduct, including but not limited to violations of Sheriff's Office Orders, Policies and Procedures or Rules and Regulations must be reported without delay to the Office of Professional Review.
  - 1. OPR Investigation-Allegations against an employee or contractor that would likely result in criminal prosecution if substantiated, or allegations of serious administrative misconduct will be investigated by OPR.

2. Department Head Investigation-Allegations made against an employee that appear to be unfounded or allegations of a less serious nature that involve violations of rules or regulations that require immediate attention may be sent to the employee's Department Head by OPR for investigation.
  3. Summary Discipline-Allegations surrounding the performance of an employee will be initiated and investigated by the accused employee's Department. The accused employee's Department will record the results of their investigation on a Summary Discipline form. That form and the Department's recommendation will be sent to OPR for review prior to discipline being initiated by the accused employee's Department. If OPR determines that the investigation and/or penalty are inadequate, OPR will return the investigation to the Department Head for further action or OPR may forego Summary Discipline and may initiate an OPR investigation.
  4. Use of Force-All Use of Force incidents must be reported by the department to OPR. The Use of Force incidents will be tracked by OPR for early warning and intervention purposes. The Use of Force incident may be investigated by OPR.
- B. Investigations: All Department Heads/Designees, Directors, Assistant Directors, Senior Investigators and/or Investigators must fully and completely investigate every case to resolve all criminal and/or administrative aspects of a case.
1. All OPR summary reports of investigation and all sustained Department Head investigations will go through Command Channel Review. The Command Channel Review will be initiated after an OPR summary report has been approved and signed by the Executive Director of OPR or a sustained Department Head summary report has been reviewed and approved by OPR. The Executive Director of OPR/Designee shall review all Department Head investigations for completeness and sufficiency.
    - a. Command Channel Review personnel will be responsible for concurring or not concurring with the investigation's finding, and the recommended discipline, if any.
    - b. In all investigations where the recommended discipline is 30 days or less, the Command Channel Review may consist of the accused employee's Department Head, the Executive Director of OPR and the Undersheriff. A minimum of two levels of review are required. The Undersheriff will make

the final decision regarding the completeness of the investigation, the finding and any disciplinary action. The Undersheriff may:

- i. concur or not concur with any part of the investigation;
- ii. Return the file for further investigation;
- iii. Approve the finding or reach an alternative finding; or,
- iv. Approve the recommended disciplinary action or implement a different penalty.

c. In all investigations where the recommended discipline is 31 days or more, the Command Channel Review may consist of the accused employee's Department Head, the Executive Director of OPR, the Undersheriff, and the Sheriff (or his/her designee). A minimum of two (2) levels of review are required. The Sheriff (or his/her Designee) will make the final decision regarding the completeness of the investigation, the finding and any disciplinary action. The Sheriff (or his or her Designee) may:

- i. concur or not concur with any part of the investigation;
- ii. Return the file for further investigation;
- iii. Approve the finding or reach an alternative finding; or,
- iv. Approve the recommended disciplinary action or implement a different penalty.

2. Criminal cases resulting in the arrest of a Cook County Sheriff's Office employee will include, if appropriate, a presentation of the case to the Cook County State's Attorney's Office or another prosecutorial agency for a charging decision. OPR may hold the investigation in abeyance pending the outcome of a criminal investigation. Regardless of the charging decision, administrative action to Separate the employee will be initiated by submitting the case through Command Channel Review.

3. The following cases will be exempt from Command Channel Review:
  - a. OPR drug abuse investigations originating from the Drug Testing Unit that are closed as Exonerated;
  - b. Department Head investigations that are Not Sustained, Unfounded, Exonerated, Closed Administratively or closed as Information Only;
  - c. OPR cases that are Closed Administratively or closed as Information Only.

C. Implementation of Disciplinary Action

1. Non-Sworn Employees-Upon the conclusion of Command Channel Review, all discipline up to and including Separation of employment shall be instituted without delay, subject to the conditions of the employee's Collective Bargaining Agreement, if applicable.
2. Sworn Employees-Upon the conclusion of Command Channel Review, all discipline of 30 days suspension or less shall be instituted by the employee's Department Head without delay, subject to the conditions of the employee's Collective Bargaining Agreement, if applicable.
3. Sworn Employees-Upon the conclusion of Command Channel Review, all recommendations of discipline of 31 days suspension or greater, Demotion in rank or Separation shall be referred to the Cook County Sheriff's Merit Board for a hearing and, if sustained, discipline. All discipline ordered by the Cook County Sheriff's Merit Board shall be instituted without delay by the employee's Department Head in conjunction with the Personnel Department.
4. Exempt Employees- Any Sworn or Civilian employee in the Sheriff's Office who is included on the Exempt List and meets the criteria for exempt status under applicable law is subject to discipline up to and including Separation at any time. All sworn employees on the exempt list that have a merit rank are subject to the procedures in this Article V. In the event that the employee is demoted to their previous merit rank, he/she is subject to the Discipline procedure as governed by Sheriff's Office General Orders, Merit Board Rules and Regulations, and if applicable, their respective CBA for all future violations.

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