

**COOK COUNTY SHERIFF'S MERIT BOARD**

**Sheriff of Cook County** )  
 )  
**vs.** )  
 ) **Docket No. 2244**  
**CORRECTIONAL OFFICER** )  
**HERMAN M. SMITH** )  
**STAR #16310** )

**DECISION**

This matter to be heard pursuant to notice before Kimberly Pate Godden, Board Member, on November 18, 2022. Both Parties were represented by counsel and had a full and fair opportunity to present evidence. The Cook County Sheriff's Merit Board finds as follows:

**JURISDICTION**

Herman Smith, hereinafter referred to as Respondent, was appointed a Cook County Correctional Officer on July 21, 2008. 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 to contest the charges contained in the Complaint.

## **BACKGROUND**

The Sheriff (Petitioner) filed a Complaint on June 21, 2021 and an amended Complaint on April 27, 2022. The Petitioner is seeking removal/termination of Respondent. After the case was continued from time to time, and discovery completed, it was called for a formal hearing on November 18, 2022. At the hearing, court reporter being present, all witnesses sworn under oath, testimony was taken from a witness called by the Sheriff as well as testimony from the Respondent. Documents were introduced by Petitioner and Respondent and received into evidence. Petitioner submitted Finding of Facts.

## **STATEMENT OF FACTS**

On July 21, 2008, Respondent first became a correctional officer. (Tr. 28:8-10) On May 4, 2019 Respondent was involved in a traffic accident and had been drinking alcohol on the night of the accident. (Tr. 28:21-24, 29:1) Respondent was charged with Driving Under the Influence (Tr. 30 4-5; Tr. 31:19) , pled guilty to the charges (Tr. 32:1-2) and was sentenced to 18 months of probation. (Tr. 32:3-4). Respondent was aware that the Cook County Sherriff's Conduct Policy prohibits correctional officers from violating laws of Illinois (Tr. 35:3-6) This is the only traffic accident involving drugs or alcohol that the Respondent has been involved in. (Tr: 32:22-24 33:1) Respondent was de-deputized immediately after the incident which required him to surrender his firearm.

**CONCLUSION**

Respondent engaged in behavior that reflects negatively on the Cook County Sheriff's Office ("CCSO") and was unbecoming of an officer of the CCSO. That by his actions, Respondent violated the Rules and Regulations and policies of the Cook County Sheriff's Office and the Cook County Court Services Department, specifically:

**COOK COUNTY COURT SERVICES DEPARTMENT IL POLICY MANUAL  
POLICY 101 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 June 1, 2020 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.**

**101.3 COMPLIANCE WITH ALL LAWS, ORDINANCES AND REGULATIONS**

**Members shall respect and protect the civil and legal rights of all individuals; uphold the constitutions of the United States and the State of Illinois; obey all applicable federal, state and local laws; comply with court decisions and orders of courts having jurisdiction; and comply with lawful rules, written or verbal orders, Sheriff's Office Employment Action Manual (SEAM) articles, and policies and procedures issued by the Sheriff's Office or any supervisor.**

**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.**

**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**

(r) The use, display, or handling of any firearm or other dangerous weapon in a careless, negligent or unlawful manner, either on- or off-duty. Members should refer to the Firearms Policy for additional guidelines regarding the use of firearms.

(ab) 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.

(ad) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship (including applicable members) whether on- or off-duty.

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

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

(ar) Any misdemeanor or felony violation.

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

Furthermore, Respondent's actions violated the Rules and Regulations of the Cook 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:**

- 1. Violate any Law or Statute of any State or of the United States of America.**
- 2. Violate any Ordinance of any County or Municipal Government.**
- 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.**

**ORDER**

Wherefore, based on the evidence for the asserted charges, it is hereby ordered that Herman Smith shall be terminated effective June 21, 2021.

**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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**COOK COUNTY**  
**SHERIFF'S MERIT BOARD**  
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Chicago, IL 60602

Herman M. Smith  
Correctional Officer  
Docket No. 2244

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

John J. Dalicandro, Vincent T. Winters, Kimberly Pate Godden, Terrence J. Walsh, Marla M. Kaiden  
and Wade Ingram Sr.

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 19<sup>th</sup> DAY OF JANUARY, 2023.