

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

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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 ██████████ who was employed with the Cook County Office of Professional Review and was a correctional officer prior to his promotion. (R. 11, 12). ██████████'s responsibilities in OPR are internal investigations for allegations of misconduct by staff. (R. 12). ██████████ 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). ██████████ 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). ██████████ 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). ██████████ 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). ██████████ 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). ██████████ 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). ██████████ testified that he believed that

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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

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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.

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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