

1 AN ACT concerning law enforcement.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing
5 Sections 3-7002, 3-7003, 3-7005, 3-7008, 3-7011, and 3-7012 and
6 adding Sections 3-7000.5 and 3-7018 as follows:

7 (55 ILCS 5/3-7000.5 new)

8 Sec. 3-7000.5. Definitions. As used in this Division:

9 "Board" means the Cook County Sheriff's Merit Board created
10 under subsection (b) of Section 3-7002.

11 "Sheriff" means the Sheriff of Cook County.

12 "Sworn officer" means a deputy sheriff, deputy sergeant,
13 deputy lieutenant, corrections officer, corrections sergeant,
14 corrections lieutenant, police officer, police sergeant,
15 police lieutenant, or any other person hired or promoted by the
16 Sheriff and earning the relevant sworn merit rank.

17 (55 ILCS 5/3-7002) (from Ch. 34, par. 3-7002)

18 Sec. 3-7002. Cook County Sheriff's Merit Board.

19 (a) On the effective date of this amendatory Act of 100th
20 General Assembly, the terms of all members of the Board created
21 under this subsection (a) are ended and the Board created under
22 this subsection (a) is abolished. There is created the Cook

1 County Sheriff's Merit Board, hereinafter called the Board,
2 consisting of 7 members appointed by the Sheriff with the
3 advice and consent of the county board, except that on and
4 after the effective date of this amendatory Act of 1997, the
5 Sheriff may appoint 2 additional members, with the advice and
6 consent of the county board, at his or her discretion. Of the
7 members first appointed, one shall serve until the third Monday
8 in March, 1965 one until the third Monday in March, 1967, and
9 one until the third Monday in March, 1969. Of the 2 additional
10 members first appointed under authority of this amendatory Act
11 of 1991, one shall serve until the third Monday in March, 1995,
12 and one until the third Monday in March, 1997. Of the 2
13 additional members first appointed under the authority of this
14 amendatory Act of the 91st General Assembly, one shall serve
15 until the third Monday in March, 2005 and one shall serve until
16 the third Monday in March, 2006.

17 Upon the expiration of the terms of office of those first
18 appointed (including the 2 additional members first appointed
19 under authority of this amendatory Act of 1991 and under the
20 authority of this amendatory Act of the 91st General Assembly),
21 their respective successors shall be appointed to hold office
22 from the third Monday in March of the year of their respective
23 appointments for a term of 6 years and until their successors
24 are appointed and qualified for a like term. As additional
25 members are appointed under authority of this amendatory Act of
26 1997, their terms shall be set to be staggered consistently

1 with the terms of the existing Board members. No more than 3
2 members of the Board shall be affiliated with the same
3 political party, except that as additional members are
4 appointed by the Sheriff under authority of this amendatory Act
5 of 1997 and under the authority of this amendatory Act of the
6 91st General Assembly, the political affiliation of the Board
7 shall be such that no more than one-half of the members plus
8 one additional member may be affiliated with the same political
9 party. No member shall have held or have been a candidate for
10 an elective public office within one year preceding his or her
11 appointment.

12 The Sheriff may deputize members of the Board.

13 (b) On the effective date of this amendatory Act of the
14 100th General Assembly, there is created the Cook County
15 Sheriff's Merit Board, consisting of 5 members appointed by the
16 Sheriff with the advice and consent of the county board who
17 should have the following qualifications: one member who is an
18 employee or agent representing the interests of labor unions;
19 one member who is or was employed by a law enforcement agency
20 and was responsible for investigating disciplinary cases; one
21 member who is or was engaged in academic research relating to
22 criminal justice at an institution of higher learning; one
23 member who is or was affiliated with a not-for-profit prison
24 reform entity; and one member who is or was involved with a
25 not-for-profit community or civic organization. Of the members
26 initially appointed to the Board, 2 shall serve until the first

1 Monday in March of 2019, one shall serve until the first Monday
2 in March of 2020, one shall serve until the first Monday in
3 March of 2021, and one shall serve until the first Monday in
4 March of 2022, thereafter all members shall be appointed for
5 terms of 4 years. Members shall serve until their successors
6 are appointed and qualified. Whenever a vacancy in the office
7 of member shall occur, the Sheriff shall, with the advice and
8 consent of the county board, appoint a person to serve for the
9 remainder of the unexpired term. No more than 3 members of the
10 Board shall be affiliated with the same political party.

11 It is the intent of the General Assembly that the Cook
12 County Sheriff's Merit Board created under this subsection (b)
13 shall act as the successor agency to the former Merit Board
14 created under subsection (a) of this Section for purposes of
15 the former Merit Board's responsibilities.

16 The Cook County Sheriff's Merit Board shall inherit and
17 subsume all written charges filed before the former Merit Board
18 created under subsection (a) of this Section and all decisions
19 and actions of the former Merit Board made pursuant to Sections
20 3-7006, 3-7007, 3-7008, 3-7009, 3-7010, or 3-7012 and prior to
21 the effective date of this amendatory Act of the 100th General
22 Assembly and may preside over, amend, correct, or defend these
23 decisions and actions as required or permitted by law.

24 The Cook County Sheriff's Merit Board shall ensure that all
25 applicable federal and State laws are followed and enforced.
26 The Cook County Sheriff's Merit Board shall ensure that the

1 hiring and promotional practices of sworn officers by the
2 Sheriff's Office reflect the diverse demographics of Cook
3 County and that those priorities give preference to honorably
4 discharged veterans of the Armed Forces of the United States of
5 America.

6 (Source: P.A. 90-447, eff. 8-16-97; 90-511, eff. 8-22-97;
7 90-655, eff. 7-30-98; 91-722, eff. 6-2-00.)

8 (55 ILCS 5/3-7003) (from Ch. 34, par. 3-7003)

9 Sec. 3-7003. Compensation and expenses of board members.
10 Each member of the Board shall receive compensation or a
11 stipend as determined by the county board; the county board may
12 provide additional compensation for service as chairman or
13 secretary. Each member shall be reimbursed for expenses
14 necessarily incurred in discharging the duties of his or her
15 office. Such compensation and reimbursement shall be paid by
16 the county; no other fringe or pension benefits shall be
17 provided. ~~Each member of the Board shall receive compensation~~
18 ~~for each day during which he is engaged in transacting the~~
19 ~~business of the Board and, in addition thereto, his actual~~
20 ~~traveling and other expenses necessarily incurred in~~
21 ~~discharging the duties of his office. No member of the Board~~
22 ~~shall receive compensation of more than \$25,000 in any fiscal~~
23 ~~year, except that the Chairman shall receive compensation of no~~
24 ~~more than \$30,000 in any fiscal year. Such compensation~~
25 ~~expenses shall be paid by the county.~~

1 (Source: P.A. 91-722, eff. 6-2-00.)

2 (55 ILCS 5/3-7005) (from Ch. 34, par. 3-7005)

3 Sec. 3-7005. Meetings.

4 As soon as practicable after the members of the Board have
5 been appointed, they shall meet, upon the call of the Sheriff,
6 and shall organize by selecting a chairman and a secretary. The
7 initial chairman and secretary, and their successors, shall be
8 selected by the Board from among its members for a term of 2
9 years or for the remainder of their term of office as a member
10 of the Board, whichever is the shorter. Three ~~Two~~ members of
11 the Board shall constitute a quorum for the transaction of
12 business, ~~except that as additional members are appointed under~~
13 ~~authority of this amendatory Act of 1997, the number of members~~
14 ~~that must be present to constitute a quorum shall be the number~~
15 ~~of members that constitute at least 40% of the Board.~~ The Board
16 shall hold regular quarterly meetings and such other meetings
17 as may be called by the chairman. The Board shall meet at the
18 call of the Sheriff for the purpose of naming a successor
19 chairman or secretary whenever there is a vacancy in either of
20 those offices, or to transact any other business before the
21 Board.

22 (Source: P.A. 90-447, eff. 8-16-97; 90-511, eff. 8-22-97;
23 90-655, eff. 7-30-98.)

24 (55 ILCS 5/3-7008) (from Ch. 34, par. 3-7008)

1 Sec. 3-7008. Appointments. The appointment of deputy
2 sheriffs in the Police Department, full-time deputy sheriffs
3 not employed as county police officers or county corrections
4 officers and of employees in the Department of Corrections
5 shall be made from those applicants who have been certified by
6 the Board as being qualified for appointment. Certification for
7 appointment in one department shall not constitute
8 certification for appointment in another department. All
9 persons so appointed shall, at the time of their appointment,
10 be not less than 21 years of age, or 20 years of age and have
11 successfully completed 2 years of law enforcement studies at an
12 accredited college or university. Any person appointed
13 subsequent to successful completion of 2 years of such law
14 enforcement studies shall not have power of arrest, nor shall
15 he or she be permitted to carry firearms, until he or she
16 reaches 21 years of age. In addition, all persons so appointed
17 shall be not more than the maximum age limit fixed by the Board
18 from time to time, be of sound mind and body, be of good moral
19 character, be citizens of the United States, have not been
20 convicted of a crime which the Board considers to be
21 detrimental to the applicant's ability to carry out his or her
22 duties, possess such prerequisites of training, education and
23 experience as the Board may from time to time prescribe, and
24 shall be required to pass successfully mental, physical,
25 psychiatric and other tests and examinations as may be
26 prescribed by the Board. Preference shall be given in such

1 appointments to persons who have honorably served in the
2 military or naval services of the United States. Before
3 entering upon his or her duties, each deputy sheriff in the
4 County Police Department shall execute a good and sufficient
5 bond, payable to the People of the State of Illinois, in the
6 penal sum of \$1,000 and to the Sheriff of the County where he
7 or she is employed in the sum of \$10,000, conditioned on the
8 faithful performance of his or her duties. All appointees shall
9 serve a probationary period of 12 months and during that period
10 may be discharged at the will of the Sheriff. ~~However, civil~~
11 ~~service employees of the house of correction who have certified~~
12 ~~status at the time of the transfer of the house of correction~~
13 ~~to the County Department of Corrections are not subject to this~~
14 ~~probationary period, and they shall retain their job titles,~~
15 ~~such tenure privileges as are now enjoyed and any subsequent~~
16 ~~title changes shall not cause reduction in rank or elimination~~
17 ~~of positions.~~

18 (Source: P.A. 86-962.)

19 (55 ILCS 5/3-7011) (from Ch. 34, par. 3-7011)

20 Sec. 3-7011. Disciplinary measures. In Cook County, the
21 Sheriff, or his or her designee, is solely responsible for the
22 issuance of all disciplinary measures against a sworn officer
23 when the maximum punishment for the violation alleged is the
24 suspension of the sworn officer for a period not exceeding 90
25 days, subject to review under the provisions of the applicable

1 collective bargaining agreement. Any allegation against a
2 sworn officer which would result in suspension for a period of
3 greater than 90 days shall be adjudicated as provided under
4 Section 3-7012.

5 ~~Disciplinary measures prescribed by the Board may be taken by~~
6 ~~the sheriff for the punishment of infractions of the rules and~~
7 ~~regulations promulgated by the Board. Such disciplinary~~
8 ~~measures may include suspension of any deputy sheriff in the~~
9 ~~County Police Department, any full time deputy sheriff not~~
10 ~~employed as a county police officer or county corrections~~
11 ~~officer and any employee in the County Department of~~
12 ~~Corrections for a reasonable period, not exceeding 30 days,~~
13 ~~without complying with the provisions of Section 3-7012 hereof.~~

14 (Source: P.A. 86-962.)

15 (55 ILCS 5/3-7012) (from Ch. 34, par. 3-7012)

16 Sec. 3-7012. Removal, demotion or suspension. Except as is
17 otherwise provided in this Division, no deputy sheriff in the
18 County Police Department, no full-time deputy sheriff not
19 employed as a county police officer or county corrections
20 officer and no employee in the County Department of Corrections
21 shall be removed, demoted or suspended except for cause, upon
22 written charges filed with the Board by the Sheriff and a
23 hearing before the Board, or a hearing officer designated by
24 the Board, thereon upon not less than 10 days' notice at a
25 place to be designated by the chairman thereof. At such

1 hearing, the accused deputy sheriff shall be afforded full
2 opportunity to be heard in his or her own defense and to
3 produce proof in his or her defense. The Board, or a hearing
4 officer designated by the Board, shall have the power to secure
5 by its subpoena both the attendance and testimony of witnesses
6 and the production of books and papers in support of the
7 charges and for the defense. The fees of witnesses for
8 attendance and travel shall be the same as the fees of
9 witnesses before the circuit courts of this State, and shall be
10 paid in the same manner as other expenses of the Board. Each
11 member of the Board, and hearing officers designated by the
12 Board, shall have the power to administer oaths or
13 affirmations. If the charges against an accused deputy sheriff
14 are established by a preponderance of evidence, the Board, or a
15 hearing officer designated by the Board, shall make a finding
16 of guilty and order either removal, demotion, suspension for a
17 period of not more than 180 days, or such other disciplinary
18 punishment as may be prescribed by the rules and regulations of
19 the Board which, in the opinion of the members thereof, the
20 offense merits. Thereupon the sheriff shall direct such removal
21 or other punishment as ordered by the Board and if the accused
22 deputy sheriff refuses to abide by any such disciplinary order,
23 the sheriff shall remove him or her forthwith.

24 In case of the neglect or refusal of any person to obey a
25 subpoena issued by the Board, or a hearing officer designated
26 by the Board, any circuit court or a judge thereof, upon

1 application of any member of the Board, or a designated hearing
2 officer, may order such person to appear before the Board and
3 give testimony or produce evidence, and any failure to obey
4 such order is punishable by the court as a contempt thereof.

5 The Board shall, except for good cause shown and set forth
6 on the record, render its decision within 90 days following the
7 conclusion of any hearing conducted under the provisions of
8 this Section.

9 The provisions of the Administrative Review Law, and all
10 amendments and modifications thereof, and the rules adopted
11 pursuant thereto, shall apply to and govern all proceedings for
12 the judicial review of any order of the Board rendered pursuant
13 to the provisions of this Section.

14 (Source: P.A. 86-962.)

15 (55 ILCS 5/3-7018 new)

16 Sec. 3-7018. Annual reports. On January 31, 2019, and on
17 January 31 of each year thereafter, the Board shall publish an
18 annual report, which shall be available on the website of the
19 Cook County Sheriff. The annual report of the Board shall
20 contain a summary of hiring and promotions of the preceding
21 year, together with a summary of the Board's disciplinary
22 proceedings of the preceding year.

23 (55 ILCS 5/3-7007 rep.)

24 Section 10. The Counties Code is amended by repealing

1 Section 3-7007.

2 Section 99. Effective date. This Act takes effect December
3 1, 2017.