



## 100TH GENERAL ASSEMBLY

### State of Illinois

### 2017 and 2018

### SB0695

Introduced 1/30/2017, by Sen. Bill Cunningham

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-7000.5 new	
55 ILCS 5/3-7002	from Ch. 34, par. 3-7002
55 ILCS 5/3-7003	from Ch. 34, par. 3-7003
55 ILCS 5/3-7005	from Ch. 34, par. 3-7005
55 ILCS 5/3-7008	from Ch. 34, par. 3-7008
55 ILCS 5/3-7011	from Ch. 34, par. 3-7011
55 ILCS 5/3-7012	from Ch. 34, par. 3-7012
55 ILCS 5/3-7012.5 new	
55 ILCS 5/3-7018 new	
55 ILCS 5/3-7007 rep.	

Amends the Cook County Sheriff's Merit Board Division of the Counties Code. Abolishes the current Cook County Sheriff's Merit Board. Creates the Cook County Sheriff's Merit Board to exercise all functions of the former Merit Board. Provides for the functions and operation of the Cook County Sheriff's Merit Board, including appointment, composition, powers, responsibilities, and rulemaking. Provides that the Sheriff of Cook County is solely responsible for the adjudication of all disciplinary measures against a sworn officer when the recommended punishment for the violation alleged is the suspension of the sworn officer for a period not exceeding 30 days. Effective January 1, 2018.

LRB100 06346 JWD 18726 b

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, 3-7012.5, 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 full-time members  
16 appointed by the Sheriff with the advice and consent of the  
17 county board who should have the following qualifications: one  
18 member who is an employee or agent representing the interests  
19 of labor unions; one member who is or was employed by a law  
20 enforcement agency and was responsible for investigating  
21 disciplinary cases; one member who is or was engaged in  
22 academic research relating to criminal justice at an  
23 institution of higher learning; one member who is or was  
24 affiliated with a not-for-profit prison reform entity; and one  
25 member who is or was involved with a not-for-profit community  
26 or civic organization. Of the members initially appointed to

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

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

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

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

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

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

9 (55 ILCS 5/3-7003) (from Ch. 34, par. 3-7003)

10 Sec. 3-7003. Compensation and expenses of board members.  
11 Each member of the Board shall receive an annual salary as  
12 determined by the county board; the county board may provide  
13 additional compensation for service as chairman or secretary.  
14 Each member shall be reimbursed for expenses necessarily  
15 incurred in discharging the duties of his or her office. Such  
16 compensation and reimbursement shall be paid by the county.  
17 Members shall not accept or engage in outside employment  
18 without first having obtained the permission of the Sheriff.  
19 ~~Each member of the Board shall receive compensation for each~~  
20 ~~day during which he is engaged in transacting the business of~~  
21 ~~the Board and, in addition thereto, his actual traveling and~~  
22 ~~other expenses necessarily incurred in discharging the duties~~  
23 ~~of his office. No member of the Board shall receive~~  
24 ~~compensation of more than \$25,000 in any fiscal year, except~~  
25 ~~that the Chairman shall receive compensation of no more than~~

1 ~~\$30,000 in any fiscal year. Such compensation expenses shall be~~  
2 ~~paid by the county.~~

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

4 (55 ILCS 5/3-7005) (from Ch. 34, par. 3-7005)

5 Sec. 3-7005. Meetings.

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

24 (Source: P.A. 90-447, eff. 8-16-97; 90-511, eff. 8-22-97;  
25 90-655, eff. 7-30-98.)

1 (55 ILCS 5/3-7008) (from Ch. 34, par. 3-7008)

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



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

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

21 (55 ILCS 5/3-7011) (from Ch. 34, par. 3-7011)

22 Sec. 3-7011. Disciplinary measures. In Cook County, the  
23 Sheriff, or his or her designee, is solely responsible for the  
24 adjudication of all disciplinary measures against a sworn  
25 officer when the maximum punishment for the violation alleged

1 is the suspension of the sworn officer for a period not  
2 exceeding 30 days. Any allegation against a sworn officer which  
3 would result in suspension for a period of greater than 30 days  
4 shall be adjudicated as provided under 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 Section 3-7011 ~~this Division~~, no deputy  
18 sheriff in the County Police Department, no full-time deputy  
19 sheriff not employed as a county police officer or county  
20 corrections officer and no employee in the County Department of  
21 Corrections shall be removed, demoted or suspended except for  
22 cause, upon written charges filed with the Board by the Sheriff  
23 and a hearing before the Board thereon upon not less than 10  
24 days' notice at a place to be designated by the chairman  
25 thereof. At such hearing, the accused deputy sheriff shall be

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

21         In case of the neglect or refusal of any person to obey a  
22    subpoena issued by the Board, any circuit court or a judge  
23    thereof, upon application of any member of the Board, may order  
24    such person to appear before the Board and give testimony or  
25    produce evidence, and any failure to obey such order is  
26    punishable by the court as a contempt thereof.

1           The provisions of the Administrative Review Law, and all  
2 amendments and modifications thereof, and the rules adopted  
3 pursuant thereto, shall apply to and govern all proceedings for  
4 the judicial review of any order of the Board rendered pursuant  
5 to the provisions of this Section.

6           (Source: P.A. 86-962.)

7           (55 ILCS 5/3-7012.5 new)

8           Sec. 3-7012.5. Rulemaking. The Board shall adopt rules and  
9 procedures for its operation and to carry out its functions  
10 under this Division, except that the Board may not delegate its  
11 power under Section 3-7012 to hear and decide matters before it  
12 to any person or entity.

13           (55 ILCS 5/3-7018 new)

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

21           (55 ILCS 5/3-7007 rep.)

22           Section 10. The Counties Code is amended by repealing  
23 Section 3-7007.

1           Section 99. Effective date. This Act takes effect January  
2    1, 2018.