

**COOK COUNTY SHERIFF'S MERIT BOARD**

<b>Sheriff of Cook County</b>	)	
	)	
<b>vs.</b>	)	
	)	<b>Docket No(s). 1966/2106</b>
<b>Scott Rice</b>	)	
<b>Correctional Officer</b>	)	

**DECISION**

This matter coming on to be heard pursuant to notice before Byron T. Brazier, Board Member, on November 19, 2019 Board finds as follows:

**Jurisdiction**

Scott Rice, hereinafter referred to as the Respondent, was appointed a Correctional Officer on November 13, 2006. 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 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 (#1966) in this matter was filed with the Merit Board's administrative staff on January 24, 2017, the Amended Complaint on January 23, 2018 and the Second Amended Complaint on May 2, 2019. The original Complaint (#2106) was filed on May 2, 2019 and the Amended Complaint on May 21, 2019. 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 commencing the instant action, was properly filed, and will be accepted as the controlling document for calculating time in this case.

**Background:**

That on November 13, 2006, the RESPONDENT was appointed a Correctional Officer. That on February 2, 2007, the RESPONDENT was assigned to Division VI of the Cook County Department of Corrections ("CCDOC"), located at 2801 S. Sacramento Avenue, Chicago, Illinois. That on November 1, 2007, the RESPONDENT was assigned to Division V of the CCDOC, located at 2700 S. California Avenue, Chicago, Illinois. That on October 10, 2013, the RESPONDENT was assigned to Division VIII (sometimes, referred to as "RTU") of the CCDOC, located at 2750 S. California Avenue, Chicago, Illinois.

**Docket #1966**

The original complaint charges that on January 23, 2018 the respondent was placed on administrative leave. Rice was assigned to the Cook County Department of Corrections ("CCDOC"). That the RESPONDENT associated with persons, whom he knew, or should have known were felons and/or affiliated with a known criminal organization ("gang"). That RESPONDENT failed to report to the Cook County Sheriff's Office ("CCSO") and/or the CCDOC that he associated with persons, whom he knew, or should have known were felons and/or affiliated with a gang. That the Billing Name and Address ("BNA") associated to telephone number [REDACTED] was RESPONDENT'S name and home address. Additionally, on December 5, 2014, RESPONDENT was interviewed by investigators from the Cook County Sheriff's Office of Professional Review ("OPR") and provided them with a signed statement. And on December 5, 2014, RESPONDENT admitted to investigators from OPR that, although he was not affiliated with a gang, RESPONDENT associated with known gang members. Respondent also admitted on December 5, 2014, RESPONDENT to investigators from OPR that he has known [REDACTED] for ten years. Based on the original complaint [REDACTED], who is a self-admitted member of the [REDACTED] street gang, was incarcerated at the CCDOC, when he called RESPONDENT'S telephone on November 22, 2013. When [REDACTED] was unable to reach RESPONDENT on that attempted call, [REDACTED] made a second telephone call to a third individual, which was recorded on the SECURUS telephone monitoring system at the CCDOC, and instructed the third individual to tell RESPONDENT to give a contribution to [REDACTED]'s bond money. [REDACTED] provided the third individual with RESPONDENT'S telephone number.

In a separate incident, the Chicago Police Department contact card documented a contact with RESPONDENT on March 19, 2014, at [REDACTED], Chicago, Illinois, while RESPONDENT

was a passenger in a car in the company of [REDACTED], identified by the Chicago Police Department as a member of the [REDACTED] street gang. During the protective pat down, RESPONDENT'S Cook County Sheriff's Office ("CCSO")-issued badge was found.

In a separate incident, the Chicago Police Department contact card documented a contact with RESPONDENT on March 3, 2012, at [REDACTED], Chicago, Illinois, while RESPONDENT was in the company of several self-admitted members of the [REDACTED] street gang, during which RESPONDENT identified himself to Chicago Police Officers as a Cook County Sheriff.

By these actions, RESPONDENT violated the Rules and Regulations and General Orders of the Cook County Sheriff's Office and the Cook County Department of Corrections, specifically:

**SHERIFF'S ORDER 11.2.20.0 (effective date: January 25, 2013)**  
**RULES OF CONDUCT, in its entirety, including but not limited to, the following subparts: II, III, VI A2&4, B1,2&4, D9a&d, H2&3, as defined in the original order.**

**Docket #2106**

The amended complaint charges that the Respondent, on multiple dates in 2017 associate with known gang members by the name of [REDACTED], a self-admitted member of the [REDACTED] [REDACTED], [REDACTED] and [REDACTED], who were both convicted felons.

By these actions, the Respondent violated the Rules and Regulations of the Cook County Sheriff's Department, specifically:

**CCDOC General Order 3.8 (effective October 1, 1998) and the following Policy Subsections: I, II A&B, III A4, B18, D6, and G. Also Sheriff's Order 11. 2.20.1 (effective March 12, 2015) and the following subparts: Policy II, III, IV, V A&B, 6 B&E26,39,43, and the Rules and Regulations of the Cook County Sheriff's Merit Board, Article X, Paragraph B3**

**Issues Presented:** Whether the actions of the Respondent violated any of the General orders and rules and regulations set forth above and what if any discipline is appropriate if a violation occurred.

Based on the evidence presented and the testimony of the Respondent, Scoot Rice violated the Sheriff's policy by direct evidence from the Chicago Police Department's contact cards and by admission of the Respondent. These admissions are also documented in the Respondent's Findings of Fact documentation. The Sheriff did prove the on-going contact and association with self-identified gang members and convicted felons. The testimony of the respondent that he was unaware of his friend's criminal activity is not credible. It is not credible that a law enforcement, Sheriff's Correctional Officer, who grew up in the same neighborhood, would not know his friend's involvement in criminal activity. He may have not known the details of every criminal act but he should have known, that as a Cook County Correctional Officer, it is against

every aspect of law enforcement for an officer to be in an ongoing association with gang members and felons.

**Order:** The Merit Board finds that the respondent did violate the General Orders and Policies of the Cook County Sheriff's Department, and the Rules and Regulations of the Cook County Sheriff's Merit Board and that the Respondent should be terminated effective January 24, 2017.

JOHN J. DALICANDRO, Chairman  
BYRON BRAZIER, Vice-Chairman  
VINCENT T. WINTERS, Secretary  
KIM R. WIDUP, Board Member  
KIMBERLY PAT GODDEN, Board Member  
ELENI P. SIANIS, Board Member



Telephone: 312-603-0170  
Fax: 312-603-9865  
Email: Sheriff.MeritBoard@cookcountyil.gov

**COOK COUNTY  
SHERIFF'S MERIT BOARD  
69 West Washington - Suite 1100  
Chicago, IL 60602**

Scott Rice  
Correctional Officer  
Docket No. 1966/2106

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

John J. Dalicandro, Byron Brazier, Kim R. Widup, Kimberly Pate Godden and Eleni P. Sianis.

Not Present: Vincent T. Winters

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 4<sup>th</sup> DAY OF MARCH, 2021.