

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
)
vs.)
) **Docket No. 2205**
Police Officer)
Henry Rush IV)

DECISION

This matter coming on to be heard pursuant to notice before John Jay Dalicandro, Board Member, on January 23, 2023, the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

Henry Rush IV hereinafter Respondent, was appointed a Correctional Officer. on June 22, 1998, he was appointed a Police Officer on August 12, 2003. Respondent's position as a Police 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*; the Respondent was personally 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; and the Board has heard the evidence presented by the Sheriff and the Respondent and has evaluated the credibility of the witnesses and supporting evidence. After considering the evidence, the Board finds as follows:

Findings of Fact

An original complaint was filed by the Sheriff on October 4, 2019. The sheriff is requesting termination.

██████████ testified; he is a Lieutenant with the Cook County Sheriff's Police. In August 2017, he was ██████████. Sergeant ██████████ stated in his recorded interview with Lieutenant ██████████ that Officer ██████████ told him that Officer Henry Rush IV was repeatedly asking her to go out shooting and Officer ██████████ would like Sergeant ██████████ to tell Officer Rush IV to stop asking her. (R. 26) Sergeant ██████████ relayed to Lieutenant ██████████ that she and Officer ██████████ had a conversation about Officer Rush IV continuously asking her out, even though she told Officer Rush IV she was in a relationship already and not interested in Respondent. (R. 27) When Lieutenant ██████████ questioned Respondent Henry Rush IV, he essentially said he does not recall any interaction with Officer ██████████ (R. 27)

Lieutenant [REDACTED] testified that Officer [REDACTED] was interviewed by the Office of Professional Review after she generated a complaint register. (R. 35) Officer [REDACTED] filed a complaint register in August 2017 and she had incidents going back to March or April 2017. (R. 36) Lieutenant [REDACTED] testified that Officer [REDACTED] made 'immediate outcries' to two different Cook County Sheriff's Police Department Sergeants, [REDACTED] and [REDACTED] prior to filing a complaint register. (R. 36-37) Lieutenant [REDACTED] recalls that a complaint was filed for harassment, but he does not recall if there was a sexual harassment complaint. (R. 45-46)

Lieutenant [REDACTED] testified, she has been with the Cook County Sheriff's Office since 1999 and is currently assigned to [REDACTED]. (R. 58-59) On August 15, 2017, Lieutenant [REDACTED] noticed tension between Respondent and Officer [REDACTED] during roll call. (R. 60) Following her meeting with Respondent, Lieutenant [REDACTED] met with Officer [REDACTED] and asked her what was happening between the two of them. (R. 64) Officer [REDACTED] relayed that she's had an issue with Respondent for some time, that he had been asking her out to go shooting. (R. 64) Officer [REDACTED] relayed that she had addressed this with Sergeant [REDACTED] who had talked to Respondent, but it still continued. (R. 64) Lieutenant [REDACTED] spoke with Sergeant [REDACTED] about the situation and mentioned to him that she had to document everything. (R. 64) The August 15, 2017 incident was the only one Lieutenant [REDACTED] witnessed so that was the one she documented. (R. 73)

Cook County Sheriff's Police Officer [REDACTED] testified, she currently works [REDACTED] and has been working for the Cook County Sheriff's Office for just under eight years. (R. 89) Officer [REDACTED] remembers that as they were speaking Respondent Henry Rush IV wanted to take her shooting, and she told him she didn't feel comfortable because she had a boyfriend and was in a relationship. (R. 90) She recalls Respondent kept pushing her to go shooting with him, even asking Sergeant [REDACTED] if his [REDACTED] would be upset if [REDACTED] went shooting with another woman. (R. 91)

Respondent brought up he and officer [REDACTED] going shooting about a month later and was very persistent. (R. 91) Officer [REDACTED] testified that Sergeant [REDACTED] told her he would handle it with Respondent and asked her to give him time before going to the Office of Professional Review. (R. 91)

Officer [REDACTED] recalls a day when Respondent made insulting comments to her in front of then Sergeant [REDACTED] and additional third parties during roll call. (R. 92) Officer [REDACTED] relayed to Sergeant [REDACTED] that she had spoken to Sergeant [REDACTED] on multiple occasions when he told her he would take care of it. (R. 93)

Officer [REDACTED] testified that the first time she made written notification of the situation with Respondent was on August 21, 2017 a few days after the incident. (R. 94)

The complaint register Officer [REDACTED] submitted relayed a number of the incidents between her and Respondent. (R. 95) Officer [REDACTED] relayed that she felt pressured by Sergeant [REDACTED] to think of the shift as a pseudo family and said that she did not want to see Respondent terminated. (R. 96) When Officer [REDACTED] relayed her concerns about Respondent's behavior to sergeant [REDACTED] he said that's just Henry, [REDACTED] and hasn't been right since. (R. 103)

Officer [REDACTED] [REDACTED] stated that she did not initially find Respondent's request offensive until he kept pursuing that he wanted to go shooting with her, and she told him she felt it was inappropriate for a man and woman to go shooting when they are in relationships. (R. 104) After days of Respondent asking Officer [REDACTED] [REDACTED] to go shooting with him, she told Respondent she didn't want to go shooting with him, she didn't want to date him, and she didn't want to fuck him. (R. 119)

[REDACTED] [REDACTED] testified: she is an investigator with the Cook County Sheriff's Office of Professional Review. (R. 152) She investigated this case. She reviewed interviews, gathered documents, reviewed complaint register and policies, and issued conclusions. (R. 154-155)

Based on her synopsis, Investigator [REDACTED] found that while it was not clear that Henry Rush IV was pursuing Officer [REDACTED] it was also clear that Respondent persisted and retaliated by harassing [REDACTED] in the presence of others. (R. 161) The investigation found that Respondent's lack of memory regarding anything having to do with [REDACTED] was self-serving and not credible, especially given that he was questioned by at least one supervisor regarding the issue. (R. 161)

Henry Rush IV, Respondent testified he is 48 years old and has been with the Cook County Sheriff's Office since 1998. (R. 195) Respondent stated as far as he is concerned his relationship with Officer [REDACTED] [REDACTED] had been professional and he is really confused by the accusations. (R. 200) Henry Rush IV admits asking Officer [REDACTED] [REDACTED] to go shooting, but he does not remember the date. (R. 200) After hearing Lieutenant [REDACTED] testimony, Respondent still has no recollection of a conversation between him and her regarding Officer [REDACTED] [REDACTED] and their interactions during roll call in August 2017. (R. 207-208) Respondent does not recall how many times he asked Officer [REDACTED] [REDACTED] to go shooting. (R. 209)

Officer Rush stated he never indicated that he was pursuing Ofc. [REDACTED] romantically or sexually. (T.105, 107)

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, by a preponderance of the evidence, that Respondent Henry Rush IV did violate the Cook County Sheriff's Department Rules and Regulations.

COOK COUNTY SHERIFF'S POLICE DEPARTMENT POLICY MANUAL

POLICY 3151 (effective July 1, 2016)

DISCRIMINATION AND HARASSMENT, in its entirety, including but not limited to, the following subparts:

315.1 PURPOSE AND SCOPE

The purpose of this policy is to attempt to prevent department members from being subjected to unlawful discrimination and harassment, including sexual harassment. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

315.2 POLICY

The Cook County Sheriff's Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discrimination, harassment and retaliation. The Department will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take appropriate preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

It is the policy of the Department to provide reasonable accommodations to a member who is disabled, pregnant, or has a medical condition related to pregnancy or childbirth in order to assist the member in the performance of his/her essential job functions.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline, particularly if it violates any department policy or rule, such as inappropriate or unprofessional workplace conduct.

All members are required to provide truthful testimony and cooperate with investigations regarding any misconduct.

Any member who violates this policy is subject to discipline up to and including termination.

315.3 DISCRIMINATION PROHIBITED

315.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on age, ancestry, citizenship status, color, disability, gender identity, genetic information, marital status, military service, national origin, order of protection status, parental status, political affiliation, pregnancy, common conditions related to pregnancy or childbirth, race, religion, sex, sexual orientation, sexual preference or other classifications protected by law.

Discriminatory harassment includes but is not limited to sexual harassment and verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It normally has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

A hostile work environment results from discriminatory harassment of such severe and pervasive conduct that it permeates the work environment and interferes with a member's ability to perform his/her job or assignment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include bullying; making derogatory comments; crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material,

statements or remarks. Discriminatory harassment is contrary to department policy and to the Department's commitment to a discrimination-free work environment.

The evidence clearly shows this was a male employee who was not taking no for an answer on trying to take a female officer to the range. Officer Rush should have understood that Officer [REDACTED] was not interested in going to shoot with him. He also seems to have no memory of any of the exchanges between himself and Officer [REDACTED] which shows clearly, he is being untruthful.

The Cook County Office of Professional Review investigation findings were not based on whether or not Respondent was actually pursuing Officer [REDACTED] romantically. The Cook County Office of Professional Review investigation review findings are based on an objective standard, whether a reasonable person would have felt harassed. Investigator [REDACTED] quoted the policy, which states, "Discriminatory harassment includes but is not limited to sexual harassment and verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's legally protected status."

Mitigating factors in this case. Why wasn't Sergeant [REDACTED] called as a witness in this case? He had the direct supervision of these officers. He may have witnessed these allegations.

Order:

Wherefore, based on the foregoing, it is hereby ordered that the Respondent Henry Rush IV be suspended for thirty days (30) days from the Cook County Sheriff's Office effective October 4, 2019.

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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Henry Rush IV
Police Officer
Docket No. 2205

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

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

Not Present: None

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 20th DAY OF APRIL, 2023.