#### COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County	)	
·	)	
vs.	)	
	)	Docket No. 2205
Police Officer	)	Ų.
Henry Rush IV	j	

#### **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:

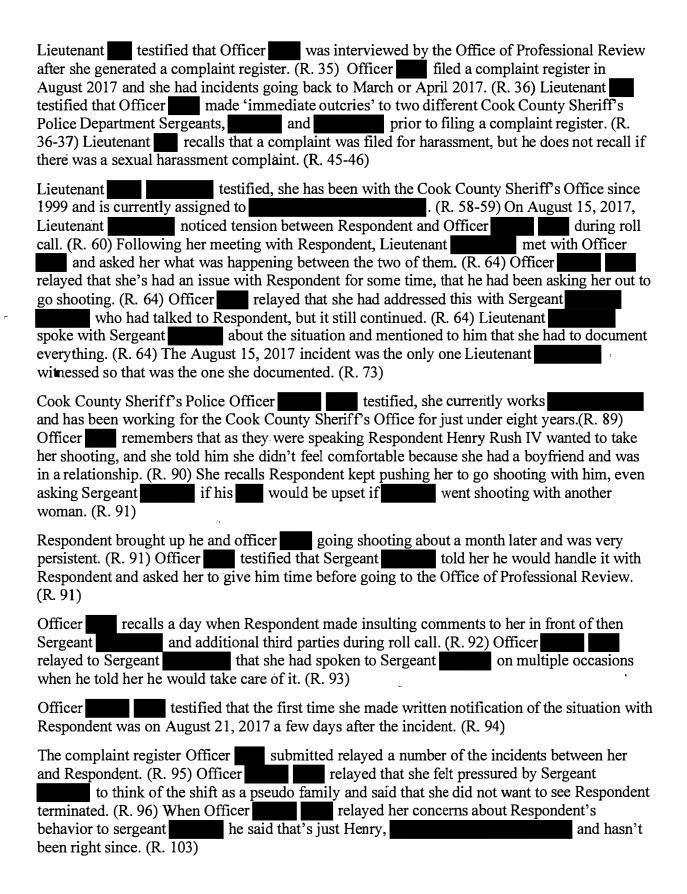
# **Jurisdiction**

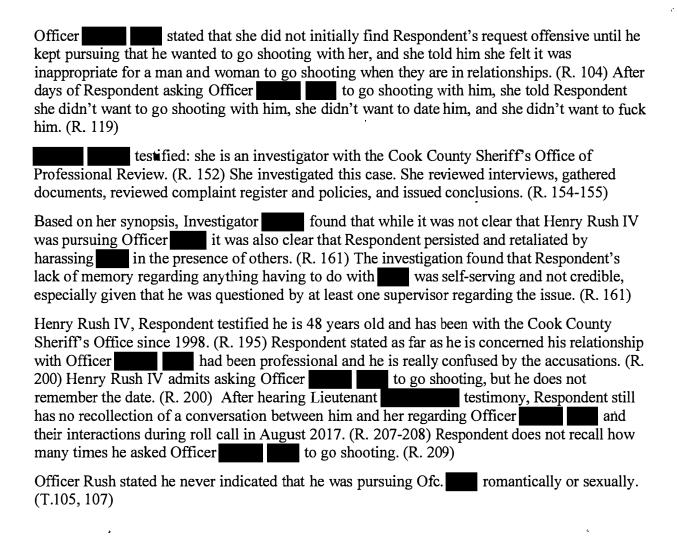
Henry Rush IV hereinafter Respondent, was appointed a Correctional Officer. on June 22, 1998, he was appointed a Police Officer on August 12, 2003. Respondent's position as a Police Officer involves duties and responsibilities to the public; each member of the Cook County Sheriff's Merit Board, hereinafter 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 w	vith the Cook Cour	nty Sheriff's Poli	ce. In August
2017, he was			. Sergeant	stated
in his recorde	d interview with Lieutenant	that Officer	told hi	m that Officer
Henry Rush I	V was repeatedly asking her t	o go out shooting a	and Officer	would like
Sergeant	to tell Officer Rush IV to	o stop asking her. (	R. 26) Sergeant	relayed
to Lieutenant	that she and Officer	had a conversation	on about Officer	Rush IV
continuously asking her out, even though she told Officer Rush IV she was in a relationship				
already and no	ot interested in Respondent. (l	R. 27) When Lieut	enant	questioned
Respondent H	Ienry Rush IV, he essentially	said he does not re	call any interacti	on with Officer
	(R. 27)			





## 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 office to the range. Officer Rush should have understood that Officer 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 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 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 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 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

69 West Washington - Suite 1100 Chicago, IL 60602

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.