

COOK COUNTY SHERIFF'S MERIT BOARD

In the Matter of:

POLICE OFFICER)
RIKKI D. JOHNSON)
██████████) Docket No. 2119
CHICAGO, ILLINOIS ██████████)
EMPLOYEE # ██████████)
STAR #442)

DECISION

This matter is currently before the Cook County Sheriff's Merit Board on remand, as ordered on September 14, 2023, by the Illinois Appellate Court, First District, Fourth Division, for the purpose of the Merit Board to consider appropriate disciplinary action in light of the Circuit Court reversing the Merit Board's finding that Respondent violated Sheriff's Department policy 321.5.2(h).

This case has a long procedural history, and this Board assumes the parties' familiarity with the facts and history of this case.

In its remand order of September 14, 2023, the Appellate Court ordered the Merit Board to take new disciplinary action against the Respondent based only upon his violations of Sheriff's Department Rule 00-01-A.6, subsection VI.6.4; Sheriff's Department policies 321.5.2(f), (g) and (r); and Article X, paragraph B of the Merit Board's Rules and Regulations. The Appellate Court further order that the Merit Board was not to consider any alleged violations of Department policy 321.5.2(h) when considering its new disciplinary action against the Respondent.

Jurisdiction

Rikki D. Johnson, hereinafter Respondent, was appointed as a Correctional Officer on May 29, 2001, and then appointed a Police Officer with the Cook County Sheriff's Police Department ("CCSPD") on June 27, 2004. 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.

Background

By complaint dated July 20, 2018, Petitioner sought termination of Respondent, alleging that Respondent did violate certain General Orders and that such action is in violation of Rules and Regulations of the Department of Corrections and the Cook County Sheriff's Merit Board.

After the case was continued from time to time, and discovery completed, it was called for a formal hearing on February 9, 2021. At the hearing, court reporter being present, all witnesses sworn under oath, testimony was taken from witnesses called by the Sheriff as well as testimony from the Respondent and witnesses called on her behalf. Documents were introduced by Petitioner and Respondent and received into evidence. The Petitioner and Respondent made closing arguments addressing the issues in the hearing.

Issues Presented:

The Respondent was charged with violations of the Rules and Regulations of the Cook County Sheriff's Police, more specifically:

Department, specifically:

COOK COUNTY SHERIFF'S POLICE DEPARTMENT, ROC 00-01-A.6, in its entirety, including but not limited to, the following subparts:

VI. Complaints Against Department Members

Arrest/Detention of Department Personnel

- 6.4 Any member who is arrested/detained or questioned for any suspected criminal matter, including serious traffic offenses will immediately notify their Commanding Officer/Supervisor. They will also make other notifications through the chain of command in accordance with current Department General Orders.**

COOK COUNTY SHERIFF'S POLICE DEPARTMENT, ROC 00-01-A.13, in its entirety, including but not limited to, the following subparts:

XIII. Personal Conduct

Standard of Conduct

- 13.1 Members will conduct themselves on or off-duty in such a manner as to reflect favorably on the Department. Members will not engage in conduct which discredits the integrity of the Department or its employees or which impairs the operation of the Department.**

COOK COUNTY SHERIFF'S POLICE DEPARTMENT, ROC 00-01-A.16, in its entirety, including but not limited to, the following subparts:

XVI. Violations and Disciplinary Action

Summary of Actions Subject to Discipline

- 16.14 Conduct unbecoming a member of the Department.**
- 16.22 Any other act or omission contrary to good order and discipline of the Department.**

COOK COUNTY SHERIFF'S POLICE DEPARTMENT, Policy #321 in its entirety, including but not limited to, the following subparts:

CONDUCT

321.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Cook County Sheriff's Office (CCSO) and are expected of its members. This policy applies to all CCSO members.

321.2 POLICY

Members of the Sheriff's Office shall conduct themselves in a professional and ethical manner both on- and off-duty. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning member conduct. Every member is also subject to the provisions contained throughout this policy and applicable written directives, as well as any additional guidance on conduct that may be disseminated by the CCSO or the member's supervisors.

321.3 COMPLIANCE WITH ALL LAWS, ORDINANCES AND REGULATIONS

Members shall respect and protect the civil and legal rights of all individuals; uphold the constitutions of the United States and the State of Illinois; obey all applicable federal, state and local laws; comply with court decisions and orders of courts having jurisdiction; and comply with lawful rules, written or verbal orders, SEAM

articles, policies and procedures issued by the CCSO or any supervisor.

321.4 CONDUCT POLICY

The continued employment or retention of every Sheriff's Office member shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any member to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action, up to and including termination.

A member's off-duty conduct shall be governed by this policy to the extent that it is related to any act that may affect or arise from the member's ability to perform official duties, or to the extent that it may be indicative of unfitness for his/her position.

321.5 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the CCSO disciplinary standards. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action or inaction that is detrimental to efficient service. Conduct which may result in discipline includes but is not limited to the following:

321.5.2 CONDUCT

- (f) Failure to report activities on his/her own part or the part of any other member where such activities may result in criminal prosecution or discipline under this policy.**
- (g) Failure to report as soon as practicable to the respective department head or the authorized designee via the chain of command any activities that have resulted in official contact by any other law enforcement agency, investigative body or charging authority.**
- (r) If a member is arrest, indicted, or convicted of a felony or misdemeanor, he/she shall:**
- 1. Make verbal notification as soon as practicable via telephone to the Cook County Communications Center at (847) 294-4731; and**
 - 2. Submit a written report as soon as practicable upon return to work, or within 48 hours if off work, via the chain of command to the respective department head or the authorized designee, and to the Office of Professional Review (OPR); and**
 - 3. The report shall specify the facts forming the basis for the arrest, indictment or conviction, and outline the specifics of the case.**

321.5.5 PERFORMANCE

- (z) Any knowing or negligent violation of the provisions of policy, operating procedures or other written directive of an authorized supervisor.**

 - 1. Members are responsible for reading and becoming familiar with the contents of applicable policies and procedures and are responsible for compliance with the content contained herein.**

- (ab) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship (including applicable members) whether on- or off-duty.**

- (ap) Any misdemeanor or felony violation.**

- (aq) Any other on- or off-duty conduct which a member knows or reasonably should know is unbecoming a member of the CCSO; which is contrary to good order, efficiency or morale; or which tends to reflect unfavorably upon the CCSO or its members.**

- (as) Failure to maintain required and current licenses (e.g., driver's license) and certifications (e.g., first aid).**

COOK COUNTY SHERIFF'S POLICE DEPARTMENT, Policy #1005 in its entirety, including but not limited to, the following subparts:

REPORTING OF EMPLOYEE CONVICTIONS

1005.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit a member's ability to properly perform official duties; therefore, all members shall be required to promptly notify the Department of any past and current criminal convictions.

1005.3 OTHER CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Illinois (50 ILCS 705/6.1). Any person who has been convicted of a felony is prohibited from possessing a firearm (720 ILCS 5/24-1.1). This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty plea or nolo contendere plea.

Convictions of certain state or federal violations, including other provisions, such as probation or conditions of bail may place restrictions on a member's ability to fully perform the job or restrict possessing firearms (720 ILCS 550/10; 725

ILCS 5/110-10).

Moreover, while legal restrictions may or may not be imposed by statute or by the court upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1005.4 REPORTING PROCEDURE

Any member of this department or any retired officer with an identification card issued by the Department shall promptly notify his/her supervisor (or the Chief of Police in the case of a retired officer) in writing of any past or current criminal arrest or conviction, regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

Any member and any retired officer with an identification card issued by the Department shall further promptly notify his/her immediate supervisor (or the Chief of Police in the case of a retired officer) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to,

being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

60. Furthermore, the RESPONDENT's actions violated the Rules and Regulations of the Cook County Sheriff's Merit Board, specifically:

COOK COUNTY SHERIFF'S DEPARTMENT MERIT BOARD RULES AND REGULATIONS, in its entirety, including but not limited to, the following subparts:

Article X, Paragraph B

No Police Officer, Police Sergeant, Police Lieutenant of the Cook County Sheriff's Police Department, Correctional Officer, Correctional Sergeant, Correctional Lieutenant, Correctional Captain of the Cook County Department of Corrections or Deputy Sheriff, Deputy Sergeant, Deputy Lieutenant of the Cook County Sheriff's Court Services Department will:

- 1. Violate any Law or Statute of any State or of the United States of America.**
- 3. Violate any of the Sheriff's Executive Orders, General Orders, Special Orders, Directives or Rules and Regulations of the Cook County Sheriff's Department or Cook County Sheriff's Merit Board Rules and Regulations.**

Issues Presented:

Whether the actions of the Respondent violated any of the General Orders and Rules and Regulations set forth above and what discipline is warranted if a violation occurred.

Resolution of Issues:

We the Board find that Respondent Rikki D. Johnson, Star #442 did violate Cook County Sheriff's Police Department, ROC 00-01-A.6: VI. 6.4; Cook County Sheriff's Police Department Policy policies 321.5.2(f), (g) and (r); Cook County Sheriff's Department Merit Board Rules and Regulations Article X, Paragraph B.

Findings of Fact

An evidentiary hearing was held on February 9, 2021. Present was the Sheriff through counsel as well as the Respondent and Respondent's counsel. Testimony was taken from the Respondent, Rikki D. Johnson, as well as other witnesses called on behalf of the Sheriff and Respondent. The Sheriff admitted Exhibits #1-10, and 11 page 0396 only into evidence and Respondent admitted Exhibits #1-9 into evidence.

The Sheriff called [REDACTED] who testified that he has worked for the Sheriff's Department for over 28 years and is currently an investigator with the Cook County Sheriff's Police Department. [REDACTED] was assigned the Respondent's case by [REDACTED] (R. 16). He reviewed documents, conducted law enforcement inquiries into sensitive documents and conducted interviews. During [REDACTED] investigation he reviewed various emails regarding the Respondent as well as a computer-generated printout of a public index search of the Respondent's charges in Kershaw County, South Carolina. (R. 19, 20). [REDACTED] also reviewed a computer-generated printout of Law Enforcement (Agencies) Data System, commonly know as LEADS, regarding the Respondent's Firearm Owner's Identification (FOID) card. (R. 20). During [REDACTED] investigation he reviewed Cook County Sheriff's General Orders, Sheriff's Orders, Post Orders, Sheriff's Police Department General Order ROC-00-01-A and Rules of the Merit Board. (R. 26). [REDACTED] opinion was that Respondent violated multiple orders and policies and that he was arrested in South Carolina. (R. 27, 28, 29, 31, 32, 37, 41, 42, 45 and 46).

The Sheriff then called Respondent. Respondent admitted that he was speeding in South Carolina and that he gave the Deputy Sheriff his Cook County identification. (R. 83, 84). Respondent admitted that the Deputy Sheriff told him that he smelled alcohol on his breath and that he was required to submit to a field sobriety test after the officer found the cup in the back of the car that had beer in it. (R. 85, 86). Respondent was issued two citations, one for speeding and one for an open container of alcohol in the vehicle. (R. 86, 87). Respondent admitted that he did not believe he had to report to any court in South Carolina because it was just a fine he had to pay prior to appearing in court. (R. 92, 93). Respondent admitted that he forgot about the citations and did not appear in court after he returned to Illinois, nor did he know his FOID card

was revoke in 2016. (R. 93, 95, 97, 98). Respondent admitted that from the date he learned his FOID card revocation on October 28, 2016, until November 2, 2016, he kept his firearms and did not transfer them pursuant to state law. (R. 122). Respondent testified that he knew he was required by Illinois law to turn in his firearm within 48 hours after learning of his FOID revocation. (R. 121).

On cross examination, Respondent's counsel noted that the Sheriff did not cite the Respondent with a DUI and he let him leave the scene after the field sobriety test. (Tr. 86). Counsel also noted that Respondent was never handcuffed, read his rights, was not asked to go to the station, fingerprint, or placed in the police car. (Tr. 88-89). Respondent testified that he first became aware that there was an outstanding legal issue regarding the citations in South Carolina when he went to purchase a firearm on November 2, 2016. (Tr. 94, 99). Respondent's FOID Card was revoked for five to six days, he corrected the outstanding legal issues in South Carolina by calling the circuit court in South Carolina. (Tr. 97, 105).

Conclusions of Law

Based on the evidence presented and after assessing the credibility of the witnesses and the weight to be given the evidence in the record, The Board finds that Respondent violate did violate Cook County Sheriff's Police Department, ROC 00-01-A.6: VI. 6.4; Cook County Sheriff's Police Department Policy 321.5.2(f), (g) and (r); and Cook County Sheriff's Department Merit Board Rules and Regulations Article X, Paragraph B.

In considering appropriate discipline of the Respondent, The Merit Board acknowledges that the Circuit Court had previously reversed the Board's finding that the Respondent had violated Sheriff's Department policy 321.5.2(h), and the Board has not considered that charge in any way its consideration of a new disciplinary sanction of the Respondent.

Wherefore, based on the foregoing, it is hereby ordered that the Respondent Rikki Johnson be suspended for sixty (60) days effective July 20, 2018.

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
JAMES J. SEXTON, Board Member



Telephone: 312-603-0170
Fax: 312-603-9865
Email: Sheriff.MeritBoard@ccsheriff.org

ROBERT F. HOGAN, Hearing Officer

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

DOCKET NO. 2119
POLICE OFFICER
RIKKI D. JOHNSON
STAR#442

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

Voted Yes:

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

Voted No: None

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 12th DAY OF OCTOBER, 2023.

COOK COUNTY SHERRIFF'S MERIT BOARD

In the Matter of:

POLICE OFFICER)
RIKKI D. JOHNSON)
[REDACTED]) Docket No. 2119
CHICAGO, ILLINOIS 60619)
EMPLOYEE # [REDACTED])
STAR #442)

DECISION

This matter coming on to be heard pursuant to notice before Vince T. Winters, Board Member, on February 9, 2021, the Board finds as follows:

Jurisdiction

Rikki D. Johnson, hereinafter Respondent, was appointed as a Correctional Officer on May 29, 2001 and then appointed a Police Officer with the Cook County Sheriff's Police Department ("CCSPD") on June 27, 2004. 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.

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.")).

Background

By complaint dated July 20, 2018, Petitioner sought termination of Respondent, alleging that Respondent did violate certain General Orders and that such action is in violation of Rules and Regulations of the Department of Corrections and the Cook County Sheriff's Merit Board.

After the case was continued from time to time, and discovery completed, it was called for a formal hearing on February 9, 2021. At the hearing, court reporter being present, all witnesses sworn under oath, testimony was taken from witnesses called by the Sheriff as well as testimony from the Respondent and witnesses called on her behalf. Documents were introduced by Petitioner and Respondent and received into evidence. The Petitioner and Respondent made closing arguments addressing the issues in the hearing.

Issues Presented:

The Respondent was charged with violations of the Rules and Regulations of the Cook County Department of Corrections, more specifically:

Department, specifically:

COOK COUNTY SHERIFF'S POLICE DEPARTMENT, ROC 00-01-A.6, in its entirety, including but not limited to, the following subparts:

VI. Complaints Against Department Members

Arrest/Detention of Department Personnel

6.4 Any member who is arrested/detained or questioned for any suspected criminal matter, including serious traffic offenses will immediately notify their Commanding Officer/Supervisor. They will also make other notifications through the chain of command in accordance with current Department General Orders.

COOK COUNTY SHERIFF'S POLICE DEPARTMENT, ROC 00-01-A.13, in its entirety, including but not limited to, the following subparts:

XIII. Personal Conduct

Standard of Conduct

13.1 Members will conduct themselves on or off-duty in such a manner as to reflect favorably on the Department.

Members will not engage in conduct which discredits the integrity of the Department or its employees or which impairs the operation of the Department.

COOK COUNTY SHERIFF'S POLICE DEPARTMENT, ROC 00-01-A.16, in its entirety, including but not limited to, the following subparts:

XVI. Violations and Disciplinary Action

Summary of Actions Subject to Discipline

16.14 Conduct unbecoming a member of the Department.

16.22 Any other act or omission contrary to good order and discipline of the Department.

COOK COUNTY SHERIFF'S POLICE DEPARTMENT, Policy #321 in its entirety, including but not limited to, the following subparts:

CONDUCT

321.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Cook County Sheriff's Office (CCSO) and are expected of its members. This policy applies to all CCSO members.

321.2 POLICY

Members of the Sheriff's Office shall conduct themselves in a professional and ethical manner both on- and off-duty. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning member conduct. Every member is also subject to the provisions contained throughout this policy and applicable written directives, as well as any additional guidance on conduct that may be disseminated by the CCSO or the member's supervisors.

321.3 COMPLIANCE WITH ALL LAWS, ORDINANCES AND REGULATIONS

Members shall respect and protect the civil and legal rights of all individuals; uphold the constitutions of the United States and the State of Illinois; obey all applicable federal, state and local laws; comply with court decisions and orders of courts having jurisdiction; and comply with lawful rules, written or verbal orders, SEAM articles, policies and procedures issued by the CCSO or any supervisor.

321.4 CONDUCT POLICY

The continued employment or retention of every Sheriff's Office member shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any member to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action, up to and including termination.

A member's off-duty conduct shall be governed by this policy to the extent that it is related to any act that may affect or arise from the member's ability to perform official duties, or to the extent that it may be indicative of unfitness for his/her position.

321.5 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the CCSO disciplinary standards. This list is not intended to cover every possible type of misconduct, and does not preclude the recommendation of disciplinary action or inaction that is detrimental to efficient service. Conduct which may result in discipline includes but is not limited to the following:

321.5.2 CONDUCT

(f) Failure to report activities on his/her own part or the part of any other member where such activities may result in criminal prosecution or discipline under this policy.

(g) Failure to report as soon as practicable to the respective department head or the authorized designee via the chain of command any activities that have resulted in official contact by any other law enforcement agency, investigative body or charging authority.

(h) Using or disclosing one's status as a member of the CCSO in any way that could reasonably be perceived as an attempt to gain influence or authority for non-official business or activity.

(r) If a member is arrest, indicted, or convicted of a felony or misdemeanor, he/she shall:

- 1. Make verbal notification as soon as practicable via telephone to the Cook County Communications Center at (847) 294-4731; and**
- 2. Submit a written report as soon as practicable upon return to work, or within 48 hours if off work, via the chain of command to the respective**

department head or the authorized designee, and
to the Office of Professional Review (OPR); and

3. The report shall specify the facts forming the
basis for the arrest, indictment or conviction,
and outline the specifics of the case.

321.5.5 PERFORMANCE

(z) Any knowing or negligent violation of the provisions of
policy, operating procedures or other written directive
of an authorized supervisor.

1. Members are responsible for reading and
becoming familiar with the contents of
applicable policies and procedures, and are
responsible for compliance with the content
contained herein.

(ab) Criminal, dishonest, infamous or disgraceful conduct
adversely affecting the employee/employer relationship
(including applicable members) whether on- or off-
duty.

(ap) Any misdemeanor or felony violation.

(aq) Any other on- or off-duty conduct which a member
knows or reasonably should know is unbecoming a
member of the CCSO; which is contrary to good order,

efficiency or morale; or which tends to reflect unfavorably upon the CCSO or its members.

(as) Failure to maintain required and current licenses (e.g., driver's license) and certifications (e.g., first aid).

COOK COUNTY SHERIFF'S POLICE DEPARTMENT, Policy #1005 in its entirety, including but not limited to, the following subparts:

REPORTING OF EMPLOYEE CONVICTIONS

1005.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit a member's ability to properly perform official duties; therefore, all members shall be required to promptly notify the Department of any past and current criminal convictions.

1005.3 OTHER CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Illinois (50 ILCS 705/6.1). Any person who has been convicted of a felony is prohibited from possessing a firearm (720 ILCS 5/24-1.1). This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty plea or nolo contendere plea.

Convictions of certain state or federal violations, including other provisions, such as probation or conditions of bail may

place restrictions on a member's ability to fully perform the
he job or restrict possessing firearms (720 ILCS 550/10; 725
ILCS 5/110-10).

Moreover, while legal restrictions may or may not be imposed
by statute or by the court upon conviction of any criminal
offense, criminal conduct by members of this department may
be inherently in conflict with law enforcement duties and the
public trust.

1005.4 REPORTING PROCEDURE

Any member of this department or any retired officer with an
identification card issued by the Department shall promptly notify
his/her supervisor (or the Chief of Police in the case of a retired
officer) in writing of any past or current criminal arrest or conviction,
regardless of whether or not the matter is currently on appeal and
regardless of the penalty or sentence, if any.

Any member and any retired officer with an identification card issued
by the Department shall further promptly notify his/her immediate
supervisor (or the Chief of Police in the case of a retired officer) in
writing if the member or retiree becomes the subject of a domestic
violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits
that member from fully and properly performing his/her duties may

be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

60. Furthermore, the RESPONDENT's actions violated the Rules and Regulations of the Cook County Sheriff's Merit Board, specifically:

COOK COUNTY SHERIFF'S DEPARTMENT MERIT BOARD RULES AND REGULATIONS, in its entirety, including but not limited to, the following subparts:

Article X, Paragraph B

No Police Officer, Police Sergeant, Police Lieutenant of the Cook County Sheriff's Police Department, Correctional Officer, Correctional Sergeant, Correctional Lieutenant, Correctional Captain of the Cook County Department of Corrections or Deputy Sheriff, Deputy Sergeant, Deputy Lieutenant of the Cook County Sheriff's Court Services Department will:

- 1. Violate any Law or Statute of any State or of the United States of America.**
- 3. Violate any of the Sheriff's Executive Orders, General Orders, Special Orders, Directives or Rules and Regulations of the Cook County Sheriff's Department or Cook County Sheriff's Merit Board Rules and Regulations.**

Issues Presented:

Whether the actions of the Respondent violated any of the General Orders and Rules and Regulations set forth above and what discipline is warranted if a violation occurred.

Resolution of Issues:

We the Board find that Respondent Rikki D. Johnson, Star #442 did violate Cook County Sheriff's Police Department, ROC 00-01-A.6: VI. 6.4; Cook County Sheriff's Police Department Policy 321.5.2; Cook County Sheriff's Department Merit Board Rules and Regulations Article X, Paragraph B.

Findings of Fact

An evidentiary hearing was held on February 9, 2021. Present was the Sheriff through counsel as well as the Respondent and Respondent's counsel. Testimony was taken from the Respondent, Rikki D. Johnson, as well as other witnesses called on behalf of the Sheriff and Respondent. The Sheriff admitted Exhibits #1-10, and 11 page 0396 only into evidence and Respondent admitted Exhibits #1-9 into evidence.

The Sheriff called [REDACTED], who testified that he has worked for the Sheriff's Department for over 28 years and is currently an investigator with the Cook County Sheriff's Police Department. [REDACTED] was assigned the Respondent's case by Deputy Chief [REDACTED]. (R. 16). He reviewed documents, conducted law enforcement inquiries into sensitive documents and conducted interviews. During [REDACTED]'s investigation he reviewed various emails regarding the Respondent as well as a computer-generated printout of a public index search of the Respondent's charges in Kershaw County, South Carolina. (R. 19, 20). [REDACTED] also reviewed a computer-generated printout of Law Enforcement (Agencies) Data System, commonly know as LEADS, regarding the Respondent's Firearm Owner's Identification (FOID) card. (R. 20). During [REDACTED]'s investigation he reviewed Cook County Sheriff's General Orders, Sheriff's Orders, Post Orders, Sheriff's Police Department General Order ROC-00-01-A and Rules of the Merit Board. (R. 26). [REDACTED]'s opinion was that Respondent violated multiple orders and policies and that he was arrested in South Carolina. (R. 27, 28, 29, 31, 32, 37, 41, 42, 45 and 46).

The Sheriff then called Respondent. Respondent admitted that he was speeding in South Carolina and that he gave the Deputy Sheriff his Cook County identification. (R. 83, 84). Respondent admitted that the Deputy Sheriff told him that he smelled alcohol on his breath and that he was required to submit to a field sobriety test after the officer found the cup in the back of the car that had beer in it. (R. 85, 86). Respondent was issued two citations, one for speeding and one for an open container of alcohol in the vehicle. (R. 86, 87). Respondent admitted that he did not believe he had to report to any court in South Carolina because it was just a fine, he had to pay prior to appearing in court. (R. 92, 93). Respondent admitted that he forgot about the citations and did not appear in court after he returned to Illinois nor did he know his FOID card was revoke in 2016. (R. 93, 95, 97, 98). Respondent admitted that from the

date he learned his FOID card revocation on October 28, 2016, until November 2, 2016, he kept his firearms and did not transfer them pursuant to state law. (R. 122). Respondent testified that he knew he was required by Illinois law to turn in his firearm within 48 hours after learning of his FOID revocation. (R. 121).

On cross examination, Respondent's counsel noted that the Sheriff did not cite the Respondent with a DUI and he let him leave the scene after the field sobriety test. (Tr. 86). Counsel also noted that Respondent was never handcuffed, read his rights, was not asked to go to the station, fingerprint, or placed in the police car. (Tr. 88-89). Respondent testified that he first became aware that there was an outstanding legal issue regarding the citations in South Carolina when he went to purchase a firearm on November 2, 2016. (Tr. 94, 99). Respondent's FOID Card was revoked for five to six days, he corrected the outstanding legal issues in South Carolina by calling the circuit court in South Carolina. (Tr. 97, 105).

Conclusions of Law

Based on the evidence presented and after assessing the credibility of the witnesses and the weight to be given the evidence in the record, The Board finds that Respondent violate did violate Cook County Sheriff's Police Department, ROC 00-01-A.6: VI. 6.4; Cook County Sheriff's Police Department Policy 321.5.2; Cook County Sheriff's Department Merit Board Rules and Regulations Article X, Paragraph B.

Wherefore, based on the foregoing, it is hereby ordered that the Respondent Rikki Johnson be suspended for ninety (90) days effective July 20, 2018.

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: Sherif.MeritBoard@ccsheriff.org

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

Rikki D. Johnson
Police Officer
Docket No. 2119

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

John J. Dalicandro, Vincent T. Winters, Kimberly Pate Godden and Eleni P. Sianis.

Not Present: Kim R. Widup and Byron Brazier

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 3rd DAY OF JUNE, 2021.