

STATE OF ILLINOIS )  
 ) SS:  
COUNTY OF COOK )

**COOK COUNTY SHERIFF'S  
MERIT BOARD**

**IN THE MATTER OF:**

**CORRECTIONAL OFFICER )  
ZACHARY A. KALVE )  
[REDACTED] )  
[REDACTED] ) DOCKET NO. 1785  
EMPLOYEE [REDACTED] )  
STAR #9273 )**

**DECISION**

This matter coming on to be heard, by Board member Vincent T. Winters, pursuant to notice, the Cook County Sheriff's Merit Board finds as follows:

**Jurisdiction**

1. Correctional Officer Zachary A. Kalve (hereinafter "Respondent" or "Kalve"), was appointed a Cook County Correctional Officer on October 15, 2007;
2. On February 19, 2010, the RESPONDENT was assigned to Division IX of the Cook County Department of Corrections ("CCDOC"), located at 2854 W. 31<sup>st</sup> Street, Chicago, Illinois 60608;
3. On August 3, 2014, the RESPONDENT was assigned to the Administrative Relief Team ("ART") of the CCDOC, located at 3026 S. California Avenue, Building 5, Chicago, Illinois 60608;
4. At all relevant times, Respondent's position as a Correctional Officer involved duties and responsibilities to the public;

5. The Board has jurisdiction of the subject matter and of the parties in accordance with Chapter 55 of the Illinois Compiled Statutes;
6. Respondent was personally served with a copy of the Complaint against him and a notice of Hearing and appeared before the Board to contest the charges contained in the Complaint with counsel; and
7. 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 consideration of the evidence, the Board finds as follows:

**Background**

The Sheriff alleges that on September 12, 2012, Zachary Kalve deliberately and willfully destroyed CCDOC equipment. Specifically, Kalve destroyed a CCDOC shoulder camera battery pack issued by Taser International, Inc. by placing the camera battery pack inside a microwave oven, operating the microwave oven and subsequently disposing of it outside of the CCDOC compound.

The Sheriff further alleges that on September 12, 2012 at approximately 18:30 hours, Kalve falsely reported to Correctional Lieutenant [REDACTED] that he went to lunch and lost the camera battery pack when it fell through a hole in his pocket. The Sheriff further alleges that ten minutes later Kalve returned to [REDACTED] accompanied by his Union Steward, Correctional Officer (“C/O”) [REDACTED] and stated to Lt. [REDACTED] that he had actually broken the battery and, in his fearful state of mind, threw the battery away while out to lunch. That on September 12, 2012, Kalve submitted a Memorandum to Lt. [REDACTED] notifying him that Kalve broke the battery pack and disposed of it off of the CCDOC compound.

That on September 12, 2012 at approximately 22:30 hours, Assistant Executive Director (“AED”) [REDACTED] and Commander [REDACTED] interviewed Kalve, and he stated that he put the battery pack inside a microwave oven for a few seconds joking around and believed he had broken the battery pack. Kalve also stated to AED [REDACTED] and Commander [REDACTED] that he disposed of the battery pack at a Walgreen’s store located between Kedzie and Sacramento. Commander [REDACTED] ordered Lt. [REDACTED] and Lt. [REDACTED] to transport Kalve to the Walgreen’s to retrieve the battery pack. The battery pack was never recovered.

That on April 14, 2014, Kalve was interviewed and provided a signed statement to investigators from the Cook County Sheriff’s Office of Professional Review (“OPR”). Kalve admitted to investigators from the OPR that he broke the camera battery by putting it in the microwave oven and that he panicked and felt he had to dispose of the battery. Kalve also stated that he disposed of the camera battery in a garbage can at a Walgreen’s near 26<sup>th</sup> Street.

That by his actions, Kalve violated the Rules and Regulations and General Orders of the Cook County Department of Corrections, specifically:

**GENERAL ORDER 3.8**

**ETHICS AND STANDARDS OF CONDUCT, in its entirety, including but not limited to, the following subparts:**

**I. POLICY**

**It is the policy of the Cook County Department of Corrections (CCDOC) that employees will conduct themselves in a professional and ethical manner, both on and off duty. Employees will not engage in activities unbecoming of county employees, or conduct that reflects unfavorably to the Office of the Sheriff of Cook County.**

### **III. REQUIREMENTS**

**The CCDOC Code of Ethics requires the highest level of conduct from all employees. It is the expectation that sworn and civilian employees conduct themselves with high standards of professional conduct and behavior. Employees that fail to maintain high standards of conduct and ethics, will be subject to corrective or disciplinary action, and may include recommendation for termination.**

#### **D. Professional Conduct**

- 3. Employees will respect property rights and prohibit the unauthorized use, theft, misuse, or waste of property belonging to the CCDOC, a detainee, an employee or visitor.**
  
- 6. Employees will maintain professional demeanor while on duty and will refrain from engaging in off-duty behavior that would reflect negatively on the department.**

#### **GENERAL ORDER 4.1**

**INTERNAL INVESTIGATIONS, in its entirety, including but not limited to, the following subparts:**

### **III. REQUIREMENTS**

**Misconduct which impairs an employee's ability to perform his/her assigned responsibilities or adversely affects or involves the Cook**

**County Department of Corrections and/or the Office of the Sheriff of Cook County may be cause for disciplinary action.**

**Serious misconduct would include those violations of the law which constitutes misdemeanor or a felony or alleged/suspected, violation of Cook County Department of Corrections rules and orders which pose a threat to the safety of the staff or inmates or the security of the institution. Included also is misconduct committed while an employee is off duty/outside the institution where in the official character and status of the employee as a correctional officer, deputy sheriff, law enforcement officer; or civilian correctional employee becomes identifiable and calls in question the reputation of the County of Cook, the Office of the Sheriff, or the Department of Corrections:**

**A. Guidelines for SERIOUS MISCONDUCT include, but are not limited to:**

- 7. Willful destruction of property.**
- 17. Engage in any conduct unbecoming to an employee of the Cook County Department of Corrections which tends to reflect discredit on the Department of corrections or Sheriff's Office.**
- 18. Making a false official report, either oral or written.**

**Less serious misconduct would include those violations of Department of Corrections rules, orders and**

**procedures which pose no threat to the safety or security of correctional staff, inmates, or the institution. Included also is less serious misconduct which is administrative in nature as it pertains to an officer/civilian's relationship with his or her superiors or work performance.**

**B. Guidelines for LESS SERIOUS MISCONDUCT include, but are not limited to:**

**17. Misuse of Department equipment or vehicles.**

11. Furthermore, the RESPONDENT's actions violated the Rules and Regulations of the 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 of the Cook County Sheriff's Police Department, Correctional Officer of the Cook County Department of Corrections or Deputy Sheriff of the Cook County Sheriff's Court Services Department will:

1. Violate any law or statute of any Statute or of the United States of America.
3. Violate any of the general orders, special orders, directives or rules and regulations of the Cook County Sheriff's Office.

**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 Zachary Kalve Star # 9273 did violate General Order 3.8 (Ethics and Standards of Conduct I and III paragraph D #3 and 6; General Order 4.1 III A #7, 17, and 18, B #17 as well as Cook County Sheriff's Department Merit Board Rules and Regulations Article X, Paragraph B #1 and 7 and that the Respondent should serve a forty five (45) day suspension.

**Factual Background**

An evidentiary hearing was held on February 19, 2015. Present was the Sheriff through counsel as well as the Respondent, Zachary Kalve, and Respondent's counsel. Testimony was taken from four Sheriff's witnesses and the Kalve. Sheriff's Exhibit #1 through 6 and Respondent's Exhibits #1 through 5 were admitted into evidence.

**Sherriff's Case**

Investigator [REDACTED]

The prosecution first called [REDACTED] [REDACTED] who is an investigator with the Cook County Sheriff's Office of Professional Review. She was assigned the investigation of the Respondent's case. She testified that she was present when the Kalve gave his statement and testified that he waived counsel or request to secure legal counsel. Investigator [REDACTED] then testified that Kalve told her that "he broke the camera battery by putting it in the microwave, and he panicked, and he felt like he had to dispose of the battery, so during lunch he went to Walgreen's and threw it away in the garbage can." Kalve then told Investigator [REDACTED] that upon returning from Walgreen's he told his shift commander what he had done, that he was not

thinking straight and that he went back to Walgreen's with External Operations to try and relocate the battery which they were unsuccessful in doing. Kalve also told Investigator [REDACTED] that he had been ordered to a Fitness for Duty evaluation and subsequently was on a no-pay status for 30 days.

Investigator [REDACTED] testified that during her investigation she found that Kalve had violated General Order 4.1, Section III-A (7) for willful destruction of property. Investigator [REDACTED] also wrote up Kalve for conduct unbecoming for an employee of the Cook County Department of Corrections, making a false official report and then for misuse of department equipment.

#### Cross Examination

The witness, upon cross examination, testified that when she interviewed Kalve he told her that he was in a no-pay status sometime after the incident and that he apologized and "came clean" for the incident. Investigator [REDACTED] also testified that the Kalve told her that it would never happen again.

#### Sergeant [REDACTED]

Sergeant [REDACTED] testified that he is currently a sergeant with the Inspector General's Office but while he was involved in the Kalve's case he was a sergeant in the Criminal Intelligence Unit and was in charge of all of the camera systems, audio recordings, telephone systems and running investigations for the unit. [REDACTED] testified that he reported that he performed an inventory for all the equipment in Division 9 on September 12, 2012 and that all the equipment was returned except for one battery. [REDACTED] testified that Officer Kalve



approached him and showed him a hole in his pocket and told him that he had lost the battery. After this conversation ██████ to Kalve to document his story and report it to his shift commander.

Lieutenant ██████

Lieutenant ██████ testified that in September 2012 he recalled being involved in an incident involving Officer Kalve. ██████ was the supervisor of the shift that Kalve was working on September 12, 2012 and on that day Officer Kalve initialing told ██████ that he had lost his taser camera battery while he went to lunch. Later that day, Officer Kalve changed his story and told ██████ that he accidentally destroyed the battery and had thrown it away.

Cross-examination

On cross ██████ again testified that Kalve told him that he initially lost the battery camera and then a few minutes later, along his Union steward, changed his story and told ██████ that he accidentally destroyed the camera.

Superintendent ██████

Superintendent ██████ testified that some of his duties include the overall management of Division 9 and that he was involved in the incident on September 12, 2012. ██████ testified that he prepared a memorandum that he sent to the executive director because of the seriousness of the incident. Prior to writing the memorandum, ██████ testified that he spoke to Sergeant ██████ Director ██████ Lieutenant ██████ Officer Kalve and Officer ██████ ██████ was the union steward for Kalve. ██████ testified that Kalve and ██████

came to his office to ask for leniency after the fact. [REDACTED] also testified that by placing the live battery into the microwave to be heated, Kalve not only placed himself in serious risk, he also placed his co-workers in grave danger.

### Respondent's Case

#### Respondent Officer Kalve

Officer Kalve testified that he received a number of certifications and then discussed the battery pack that he wore and then microwaved on September 12, 2012. Officer Kalve testified that September 12, 2012 was the first time that he had to wear the body camera and that he had not be trained on how to operate the body camera. Officer Kalve testified that he was very stressed out on September 12, 2012 because the department forced new equipment upon the officers and that he made a foolish mistake putting the battery in the microwave and turning the microwave on. Kalve also testified that he changed his story about what happened to the battery and that he was ordered to complete fitness for duty training prior to being able to go back to work. Kalve went on to testify that he returned to work sometime in October 2012 after getting cleared and talking to a psychologist and that he never heard anything about the incident until April 14, 2014. During the time since the incident Officer Kalve testified that he has had no other issues with discipline in fact he has received a commendation from Director Ernst with OPR.

#### Cross-examination

On cross Kalve testified that he did put the battery in the microwave and that he did state on his incident report that he broke the battery and disposed of it off the compound. Kalve went

on to testify that he initially reported to Lieutenant [REDACTED] that he lost the battery due to the hole in his pants.

**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 did violate violate General Order 3.8 (Ethics and Standards of Conduct I and III paragraph D #3 and 6; General Order 4.1 III A #7,17, and 18, B #17 as well as Cook County Sheriff's Department Merit Board Rules and Regulations Article X, Paragraph B #1 and 7.

Wherefore, based on the foregoing, it is hereby ordered that the Respondent Zachary Kalve be suspended for forty-five (45) days effective October 17, 2014.

Zachary Kalve CO #1785

[Redacted]

James P. Nally, Chairman

[Redacted]

Byron Brazier, Vice-Chairman

[Redacted]

[Redacted]

Brian J. Riordan - Hearing Officer

John D. Licandro, Secretary

[Redacted]

[Redacted]

Kim R. Widup, Board Member

Vincent T. Winters, Board Member

*Dissent as to length, should be all points*

[Redacted]

[Redacted]

Jennifer E Bae, Board Member

Patrick Brady, Board Member

[Redacted]

Gray Mateo - Harris, Board Member

Date February 9, 2016



**COOK COUNTY SHERIFF'S MERIT BOARD**

Sheriff of Cook County )  
 )  
vs. )  
 ) **Docket No. 1785**  
Zachary A. Kalve )  
Correctional Officer )  
Star # 9273 )

**Dissent on Decision**

I write in dissent of the decision issued by the Board regarding Respondent Zachary A. Kalve (the Respondent) as to the length of the suspension. The Sheriff, in its initial complaint, requested the Respondent be suspended for a period of 60 days and the Board reduced the suspension to 45 days. This suspension was issued after finding, by a preponderance of the evidence, that the Respondent violated certain General Orders of the Cook County Sheriff's Office (CCSO) and Merit Board Regulations, as alleged in the initial complaint and confirmed by the final decision in the matter. The Board reached this determination based on the evidence presented, the assessment of the credibility of the witnesses, and the weight given to the evidence in the record.

I agree with the finding in this matter and my objection – through this dissent - is only to the changing of the length of time of the suspension. My objection is based upon the act of the Respondent destroyed property of the CCSO, which he later falsely reported that the property was lost, as opposed to being destroyed by a careless act on his part. His actions of intentionally furnishing false information as to the circumstances of the destruction is an egregious act that should prevent the reduction in the number of days of his suspension. It is inexcusable that those charged with enforcing the laws, as the Respondent is, put themselves in the position of having a lack of candor. Law enforcement is a position of public trust and must always maintain the confidence of the public in their truthfulness and veracity. A lack of candor by an officer potentially puts law enforcement in danger of losing this public trust.

[Redacted signature area]

Kim R. Widup, Board Member

Dated: 2/5/2016