COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County	)	
	)	
vs.	)	
	)	**Docket #1855**
	)	
Kahira Stockdale	)	
Correctional Officer	)	
[redacted]	)	
[redacted]	)	
Employee # [redacted]	)	
STAR #15305	)	

DECISION

THIS MATTER COMING ON to be heard pursuant to notice before Vince Winters, the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction: The Respondent, Kahira Stockdale, hereinafter "Respondent", was appointed a Correctional Officer on July 8, 2002. On January 1, 2013, the Respondent was assigned to Division IV of the Cook County Department of Corrections ("CCDOC") and on July 7, 2014, the Respondent was assigned to Division III of CCDOC. Respondent's position as a Correctional Officer involves duties and responsibilities to the public; and

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; and

The Board has jurisdiction of the subject matter and of the parties in accordance with Chapter 55 of the Illinois Complied Statutes; and

The Respondent was given constructive notice of the Complaint and constructive notice of hearing.

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:

Background: By a complaint dated January 4, 2016 and filed with the Cook County Sheriff's Merit Board the Sheriff of Cook County sought a suspension of forty-five days of Correctional Officer Kahira Stockdale, Star number 15305. The complaint alleged that on January 1, 2013, Respondent, while on duty in Division IV, Tier L-1 Dayroom witnessed a fight between detainees [redacted] and [redacted] and while the Respondent did separate the two detainees and did file an Inmate Disciplinary Report, the Respondent failed to file an Incident Report. The Respondent, allegedly also failed to report the aforesaid incident verbally and in writing through the chain of command. These alleged actions

violated general orders, Sheriff's orders rules of conduct and Cook County Sheriff's Department Merit Board Rules and Regulations, specifically:

General Order 24.9.1.0 (effective date: July 11, 2011) I., II., VI. A. 1, 2, 3, and 4, B. C. , VII. A. 1, B. 1, 2, 3, 5.a, b, c, ,d, e, f, g, h, I, j, k, l, 6., 7., C., D., E., 1, 2, 3, 4 a and b, 5., F. 1, 2, 3, 4, 5, 6, 7,8., VIII as well as Cook County Sheriff's Department Merit Board Rules and Regulations Article X, Paragraph B. 3.

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

Findings of Fact: Evidentiary hearings in this matter were held August 24th 2016 before Merit Board Member Vincent T. Winters. Present was the Sheriff by counsel, Respondent and counsel. The witness who testified for the Sheriff were [redacted]. Witnesses who testified for the Respondent were [redacted] and the Respondent, Kahira Stockdale. Joint Exhibits 1 and 2 were entered into the record. Sheriff's Exhibits 1 through 6 were entered into the record and Respondent's Exhibits 1 through 5 were also entered into the record.

Evidence:

Witness [redacted] testified that she is an investigator in the Office of Professional Review and that he has been an investigator for over three and a half years. Witness testified to what her duties are as an OPR investigator. Witness testified that prior to being an OPR investigator she was a program and library assistant for the Newberry Library. The witness testified that she began the investigation because of an inmate grievance filed by detainee [redacted]. The witness described what she did in her investigation, and she testified that she could not locate an incident report for the alleged incident although she was able to locate an inmate disciplinary report completed by the Respondent. The witness testified that this report alleges that there was an infraction where detainee [redacted] allegedly pulled detainee [redacted] and that the Respondent had to separate them. The witness testified that after she did not locate an incident report she contacted detainee [redacted] by phone in December 2014. During this phone conversation detainee [redacted] told investigator [redacted] that she has had problems with the Repsondent in the past and that detainee [redacted] filed a grievance. At first the detainee was not quite sure that she wanted to pursue the grievance but eventually decided to do so but the witness testified that she never received the signed complaint register from detainee [redacted] although detainee [redacted] was adamant that she sent it. The witness testified that although she never received the complaint Director [redacted] of OPR decided to author a complaint register on behalf of the office so that she could continue her investigation. The witness testified that she did not receive the complaint register until July of 2015 which allowed her to interview the Respondent, as well as continue her investigation. The witness testified that based on her investigation an incident occurred and that a report had not been authored and that a violation had occurred.

On cross the witness testified that she concluded that there was an inmate on inmate fight and that her conclusion was based on the totality of the evidence that she had gathered but she did not interview detainee [redacted] Witness was asked questions about the inmate disciplinary report in which detainee [redacted] told the inmate disciplinary board that she did not assault detainee [redacted]. The witness also testified that the inmate disciplinary board evaluated the report in light of detainee [redacted] statement and that they found the inmate credible. The witness testified that she did not interview the disciplinary

hearing board member that signed off on the January 2, 2013 document, nor did she interview detainee [redacted]. The witness also testified that she never interviewed Sergeant [redacted], who was the Respondent's Sergeant on the date of the incident. The witness testified that detainee [redacted] grievance was processed on January 8, 2013. The witness then testified that she was aware of the Uniform Peace Officers' Disciplinary Act, which states that civilian and detainee complaints must be accompanied by an affidavit. Witness testified that she was not told who to interview and who to not interview. Witness testified that she found evidence that Respondent did verbally notify her superior, Sergeant [redacted] and that she did submit an inmate disciplinary report. The witness testified that when she was completing her investigation she never asked anyone in the chain of command in Division 4 what are reportable incidents and that she never worked in any divisions of the jail. The witness testified that she inquired about videos but not until July of 2016 and that videos are only archived for 30 days after unless they are requested to be archived. The witness was also testified that when she interviewed the Respondent she believed that she did not have to file an incident report in addition to the inmate disciplinary report.

Witnesses for the Respondent

Witness [redacted], testified that he is currently a correctional sergeant in the CCDOC and has been employed by the Cook County Sheriff since September 1998 and has been a Sergeant since March of 2011. The witness testified that in the beginning part pf 2013 the Sheriff's office transitioned from handwritten reports to making sure the reports were completed on the computer. The witness also testified that an incident report does not have to be completed every time a disciplinary report is completed. The witness testified that based on the narrative of the Respondent's report that an incident report would not have to be filed regarding the incident between detainee [redacted] and detainee [redacted]

On cross the witness, after reading the narrative again and being asked questions about the different categories and codes, testified that based on his experience a fight did not occur and that an incident report did not have to be filled out.

On redirect the witness testified that there is a Sheriff's order governing inmate disciplinary reports and hearing procedures and that based upon the categories and codes there is a separate disciplinary code for fighting but that the inmate disciplinary code for detainee [redacted] was not the one for fighting.

On re cross the witness testified that although the Respondent marked Category III on the document it would not be a major violation that an incident report should have been filed.

Respondent Stockdale testified that she has been an officer for the Cook County Department of Corrections for over 14 years and that she has been working in Division 4 since 2012. The Respondent testified that on January 1, 2013 she encountered detainees [redacted] and [redacted] having words and that detainee [redacted] had her hands on detainee [redacted] and that Respondent pulled detainee [redacted] hands off of detainee [redacted] nd locked her up and then continued locking other inmates up. The witness testified that what she viewed was not a fight between detainees [redacted] and [redacted] and that if there was she would have radioed a 10-10, which references that there is a fight in progress. The witness testified that she did not have to radio for help and that once she separated the two detainees she was able to lock both of them up and there were no other problems. Afterwards, the Respondent testified that she notified Sergeant [redacted] of the incident and that she filled out a disciplinary report for detainee [redacted] r. The witness testified that after she filled the disciplinary report out that she gave it to

her supervisor, Sergeant [redacted] and that he would have given it to Lieutenant [redacted] The witness testified that she did not feel that an incident report was warranted because she handled the situation by herself, gave the paperwork to her supervisors who did not tell her to fill out additional paperwork and that she deemed it something that happens enough in the jail to be nothing. Witness testified that she never refused medical treatment to anyone and that detainee [redacted] did receive medical treatment but that neither inmate was injured.

On cross the witness testified that when she wrote her report she wrote that she observed detainee [redacted]r pulling detainee [redacted] and that she had to pull detainee [redacted] away from detainee [redacted] Witness testified that this altercation was not a fight and that it happens enough in the jail that she did not believe that she needed to fill out an incident report.

Conclusions of Law: Based upon the evidence presented, and after assessing the credibility of the witnesses and weight to be given to the evidence in the record, the Merit Board finds that the Sheriff has not proven by a preponderance of the evidence that the Respondent violated the General Orders, the Sheriff's order and rule and regulation as set forth in the complaint filed herein.

Order: Wherefore, based on the foregoing, it is hereby ordered that the Respondent Kahira Stockdale be cleared from all discipline regarding this matter.

Kahira Stockdale, CO Docket Docket No.1855

[redacted]

James P. Nally, Chairman

[redacted]

Byron Brazier, Vice-Chairman

[redacted]

John N. Dalicandro, Secretary

[redacted]

Kim R . Widup, Board Member

[redacted]

Vincent T. Winters, Board Member

[redacted]

Jennifer E. Bae, Board Member

[redacted]

Patrick M. Brady, Board Member

[redacted]

Gray Mateo-Harris, Board Member

Date April 20, 2017