

**COOK COUNTY SHERIFF'S MERIT BOARD**

<b>Sheriff of Cook County</b>	)	
	)	
<b>vs.</b>	)	
	)	<b>Docket No. 2285</b>
<b>ABDUL KAPADIA</b>	)	
<b>DEPUTY SHERIFF</b>	)	
<b>STAR #1080</b>	)	

**DECISION**

This matter coming on to be heard pursuant to notice before Wade Ingram Sr., Board Member, on May 16, 2023, the Merit Board conducted a hearing before Commissioner Wade Ingram Sr. Both parties were represented by counsel and had a full and fair opportunity to present evidence. The Cook County Sheriff's Merit Board finds as follows:

**Jurisdiction**

Abdul Kapadia (Respondent) was appointed Deputy Sheriff on February 17, 1998. That on May 4, 2003, Respondent was assigned as a Deputy Sheriff Sergeant at the Daley Center, 50 West Washington Street, Chicago, Illinois. Respondent's position as a Deputy Sheriff Sergeant 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 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**

The Sheriff (Petitioner) filed a Complaint on June 10, 2022, seeking termination of Respondent. Petitioner alleged that Respondent engaged in conduct unbecoming a member of the

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Sheriff's Office when he left his post without proper authority or permission, engaged in sexual conduct while on duty, and falsified work-related records (Supervisory Log) concerning his whereabouts during his shift. Petitioner also alleged Respondent failed to follow policy in connection with the preservation of body worn video recovered from his camera at the time of the incident.

After the case was continued from time to time, and discovery completed, it was called for a formal hearing on May 16, 2023. 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. Documents were introduced by Petitioner and Respondent and received into evidence.

**Issues Presented:**

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

**SHERIFF'S ORDER 101 (effective: July 1, 2021)  
CONDUCT, INCLUDING SUBSECTIONS 101.2, 101.3 AND 101.4.**

**SHERIFF'S ORDER 101.5 (effective: July 1, 2021)  
CONDUCT, INCLUDING SUBSECTIONS 101.5.1, 101.5.2 AND 101.5.5,**

**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**

**Findings of Fact**

Respondent began working for the Sheriff of Cook County in February 1998. (Tr. 59<sup>1</sup>). Then, he was assigned as a Deputy Sheriff in court security at the Daley Center. (Tr. 59). He was

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promoted to Sergeant in May 2003. (Tr. 59). He worked his entire career with the Employer at the Daley Center. (Tr. 59).

According to the Respondent, he was working the 8:30 a.m. to 4:30 p.m. shift in July 2021. (Tr. 60). Sergeants receive a one hour paid lunch break every shift. (Tr. 52). Respondent's assignment on July 30, 2021, was to supervise the fourth floor up to the sixteenth floor of the Daley Center courtrooms. (Tr. 60). Respondent would also go to "Post 1" and "Post 3". (Tr. 60). "Post 1" is an entry post for the public to come in the building. (Tr. 69). "Post 3" is also an entry post but on the other side of the building. (Tr. 69). After checking Post 1 and Post 3, he would go to his floors and check on the courtrooms. (Tr. 60-61). Respondent would talk with every deputy on every floor. (Tr. 61). He had one deputy per floor. (Tr. 61). On July 30, 2021, Respondent had eight or nine deputies under his supervision. (Tr. 61).

Sergeants were allowed to take a one-hour lunch break. (Tr. 61). They take their breaks whenever it looks like there is nothing going on. (Tr. 61-62). Lieutenant [REDACTED] ([REDACTED]) was Respondent's supervisor on July 30, 2021. (Tr. 62).

Respondent took a lunch break on July 30, 2021. (Tr. 62). He claims that he advised one of the other Sergeants but cannot recall the name of that Sergeant. (Tr. 62-63, 78). He did no investigation to attempt to ascertain the identity of the other Sergeant. (Tr. 78). Respondent left the Daley Center for lunch on July 30, 2021, and met a female civilian who picked him up in her car. They two drove away to a location less than a mile away, and the Respondent got into the back of the car with the female civilian. (Tr. 63). According to Respondent he was trying to comfort his friend because she was leaving the country. (Tr. 63-64) These activities caused the body camera

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to become activated. (Tr. 64). When he realized that his body camera was activated, he turned it off and returned to the Daley Center. (Tr. 64-65).

Respondent had been assigned a body camera in July 2021. (Tr. 64). His hugging the female resulted in his camera activating. (Tr. 64). He realized the camera was on because of its red light. (Tr. 64). He turned it off right away. (Tr. 64). He returned to the Daley Center at the end of his lunch break. (Tr. 65). He took lunch around 11:00 to 12:00. (Tr. 65). Respondent concedes that the activity depicted in the body worn camera video was inappropriate. (Tr.75)

Respondent did not tag the body worn video as required by Sheriff's Policy as he thought the short video was accidentally recorded and he didn't think he had to tag the video. (Tr. 71).

Respondent also testified that his daily Supervisory Log was inaccurate on the date of the incident because he would sometimes cut and paste his Log entries from other daily entries and that was why his entry for July 30, 201 indicted that he was at Post 1 of the Daley Center when he was in fact in a car with his female companion. (Tr. 76)

Investigator [REDACTED] testified that she is currently employed by the Cook County Sheriff's Office of Professional Review, and has been with the Cook County Sheriff's Office for approximately 28 years. (Tr. 11). Her duties include investigating alleged misconduct of Sheriff's Office employees. (Tr. 11). When a case is first assigned to Investigator [REDACTED] she examines the case file, she goes through the documentation in the case file, if she needs to request further documentation she does so. (Tr. 12-13). She also speaks to witnesses and interviews them. (Tr. 13). The types of evidence she typically reviews can be video footage from stationary cameras, it can be body cam footage, or it can be a personal phone camera someone uses. She notifies the accused when she is going to call them in to give their statement. (R. 13).

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After reviewing all the evidence, she comes to a finding and submits her case to her supervisor. (Tr. 13).

Investigator [REDACTED] was assigned to conduct an investigation involving Respondent. (Tr. 14). That investigation consisted of interviews, review of camera footage, fixed stationary cameras, and body camera footage. (Tr. 14). [REDACTED] also interviewed Respondent as part of her investigation. (Tr. 16).

Investigator [REDACTED] reviewed video related to the incident and found the sergeant was in violation of the conduct policy. Additionally, she found that Respondent interacted in inappropriate behavior with a female during duty hours and while in uniform. (Tr. 15).

Investigator [REDACTED] investigation found that Respondent was in violation of Sheriff's Policy 101.5, regarding his conduct related to his attendance and job performance. (Tr. 16).

During her interview of the Respondent, Respondent agreed his actions on that day were inappropriate. (Tr. 21).

Investigator [REDACTED] concluded at the conclusion of her investigation that Respondent falsified his Supervisory Log when he indicated that he was conducting his rounds at a time he was not inside the building at all. (Tr. 23-24). Additionally, it was Investigator [REDACTED] determination that based on Respondent's failing to log his body worn camera as required was conduct unbecoming a member of the Cook County Sheriff's Office. (Tr. 24).

Lieutenant [REDACTED] testified that she was the Respondent's supervisor. (Tr.42). She has been with the Cook County Sheriff's Office 31 years and was assigned to the Daley Center in July 2021. (Tr. 32-33). Her responsibility is to see that subordinates underneath her are monitoring their subordinates; to respond to emergency calls; to ensure that roll calls are being

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conducted; to ensure that judicial staffing is adequate. (Tr. 33). She is also responsible for ensuring reports are completed, viewing body cam footage, and completing monthly reports. (Tr. 33). Regarding the sergeants she supervises, there are 30 floors in the Daley Center, and on the date in question, 5 of the 6 assigned sergeants were on duty. (Tr. 33). The Sergeants' assignments were split up between those 5 individuals and they are responsible for monitoring the deputies that are assigned to their floors. (Tr. 33). Sergeants are required to complete their supervisor logs; they are required to provide any assistance that the deputies may need, whether it be on posts, whether it be in the courtroom, they also have responsibility for the County Building as well. (Tr. 33-34).

According to Lt. [REDACTED] Sergeants are expected to alert someone during their shift that they are not going to be available. (Tr. 35). Sergeants are supposed to notify their fellow Sergeants, if they're leaving the building, they're supposed to notify her or the Superintendent. (Tr. 36). Sergeants are encouraged, but not required, to indicate on their supervisory logs when they go to lunch. (Tr. 36). Sergeants complete a supervisor management log which is their daily activity as to what they're doing during the day. (Tr. 37). Lt. [REDACTED] testified that it is expected that sergeants will submit documents that accurately reflect when they are and are not actively on duty. (Tr. 37).

Lt. [REDACTED] testified that the Respondent's Supervisory Log for July 30, 2021 reflected that between 11:00 - 12:00 he was assigned to Post 1 and that he went to his floors and did a floor check. (Tr. 38). Submitting a falsified document is an infraction. (Tr. 39).

According to Lt. [REDACTED] the Cook County Sheriff's Office has body worn cameras; in July 2021 they were predominately given to supervisors. (Tr. 39). The Sheriff's Office asks

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Deputies to activate them any time that there's an incident going on. (Tr. 40). After their shift, they are to dock them in a docking station to upload; if something was recorded that day, once it uploads, they are supposed to do what is called tagging. (Tr. 40).

On July 30, 2021, Lt. [REDACTED] was supervising Abdul Kapadia. (Tr. 42). She is aware of an incident related to Abdul Kapadia's body worn camera. (Tr. 42). It was the afternoon of August 10, 2021, when she first reviewed the footage in question. (Tr. 43). Her review indicted that the Respondent was touching the woman inappropriately. (Tr. 44). After viewing the video, Lt. [REDACTED] advised her superintendent that she felt they needed to notify the administrator of the body cam unit to put a block on it such that nobody could view it because it was inappropriate. (Tr. 44).

Lt. [REDACTED] also reviewed Respondent's supervisory log to see where he indicated he was at the time the video was recorded. (Tr. 45). His log indicated he was in the Daley Center lobby during the time in question, so she proceeded to the video room to check footage of Posts 1 and 3 and found Kapadia was nowhere in sight. (Tr. 45). Lt. [REDACTED] testified she then checked a couple of other videos at which time she discovered Kapadia leaving the building out of the west lobby ADA doors and then proceeded north on Clark where she observed Respondent get into a passenger seat of a silver SUV. (Tr. 46).

The following Sheriff's exhibits were entered into the record without objection: 10 (chain of custody log for video); 5 (complaint register); 4 (supervisor management log for July 30, 2021); 9 (Daley Center roster July 30, 2021); 6 (request for hold on subject video); 2 (notification of allegations, waiver of legal counsel, and administrative investigation rights); 3 (memorandum of interview of [REDACTED]); 7 (Cook County Sheriff's Office Courts Policy

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101); (Office of Professional Review summary report); 8 (Cook County Sheriff's Office Merit Board rules and regulations). . In addition, Respondent's exhibits 1 and 2 were entered into evidence over the objection of the Sheriff.

**Analysis**

The Merit Board finds Respondent clearly violated Cook County Sheriff's Policies 101 (Conduct) and the Cook County Sheriff's Merit Board Rules and Regulations.

The Respondent himself testified that his conduct on July 30, 2021, was inappropriate. Body worn video and surveillance video from the Daley Center captured the conduct of the Respondent. He is observed leaving the Daley Center and getting into a car driven by an unidentified female. The two then drive away and body worn video from the Respondent's camera capture the Respondent and the female in the back seat of the car engaging in clearly inappropriate sexual conduct. The Merit Board finds that the conduct of the Respondent was a clear violation of Sheriff Department Policies 101.3, 101.4, 101.5.1, 101.5.2 and 101.5.5.

At the very time that Respondent is captured on body worn video, his Supervisory Log indicated that he was stationed at Post #1 in the Daley Center when he was not physically in the building. Respondent claims this was the result of shoddy bookkeeping from his practice of "cutting and pasting" his log entries. However, the Respondent is responsible for the accuracy and veracity of the documents he submits. The Merit Board finds that the Respondent falsified his Supervisory Log when he indicated that he was stationed at Post 31 between the hours of 11am-12pm in violation of Sheriff's Policy 101.5.5.

The Merit Board also finds that the Respondent violated Sheriff Department Policy when he failed to preserve and document the contents of his body worn camera video. The Respondent



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was aware of the requirements regarding the inventory and tagging of body worn video and failed to comply with those requirements. The Merit Board finds that Respondent's conduct was a violation of Sheriff's Policy 101.3 and 101.5.5.

The Merit Board also finds that the Sheriff's Department sustained its burden of proof that the Respondent left his post without proper permission in violation of Sheriff's Policy 101.5.1. Lt. [REDACTED] testified that Sergeants are supposed to notify her or the Superintendent if they're leaving the building. (Tr. 36). Respondent made no notification that he was leaving the building to anyone.

### **Conclusion**

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given by the evidence in the record, the Merit Board finds that Respondent Abdul Kapadia did violate the Cook County Sheriff's Department Rules and Regulations, to wit: SHERIFF'S ORDER 101 CONDUCT, INCLUDING SUBSECTIONS 101.3 AND 101.4; SHERIFF'S ORDER 101.5 CONDUCT, INCLUDING SUBSECTIONS 101.5.1, 101.5.2 AND 101.5.5, and COOK COUNTY SHERIFF'S DEPARTMENT MERIT BOARD RULES AND REGULATIONS, Article X, Paragraph B.

The Merit Board finds that Respondent did violate the General Orders and Policies of the Cook County Sheriff's Police Department and the Rules and Regulations of the Cook County Sheriff's Merit Board, and that Respondent should be terminated from the Cook County Sheriff's Office effective June 10, 2022.

**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



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**ROBERT F. HOGAN**, Hearing Officer

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

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This 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

DATED AT COUNTY OF COOK, STATE OF ILLINOIS, THIS 24<sup>th</sup> DAY OF AUGUST, 2023.