

## COOK COUNTY SHERIFF'S MERIT BOARD

Thomas J. Dart, )  
Sheriff of Cook County )  
 )  
vs. ) Docket # 1795  
 )  
Humberto Campos, Jr. )  
Cook County Correctional Officer )

### DECISION

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

#### **Jurisdiction:**

The Respondent's, Humberto Campos, Jr., (hereinafter "Respondent") position as a Cook County 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 Compiled Statutes; and The Respondent was personally served with a copy of the Complaint and Amended Complaint and Notice of Hearing and appeared before the Board to contest the charges contained in the amended complaint; and The Board has heard the evidence presented by the Sheriff and the Respondent, and evaluated the credibility of the witnesses and supporting evidence. After considering the evidence, the Board finds as follows:

#### **Background:**

By initial complaint dated December 23, 2014, Sheriff Thomas J. Dart sought a suspension of Respondent for ninety (90) days. The complaint alleges that on August 14, 2012 Respondent failed to offer or obtain immediate medical attention for detainee [REDACTED]. The Complaint alleged this violated several rules and regulations of the Cook County Sheriff's Department, and the Cook County Sheriff's Merit Board, specifically: Sheriff's Order 11.2.1.0 II, IX paragraph C. 1. and 2., and XIII paragraphs A., B. and C.; General Order 3.8 I, III paragraph A. 4. and paragraph D. 6.; General Order 4.1 III paragraph A. 17; and the Rules and Regulations of the Cook County Sheriff's Merit Board, Article X paragraph B 3.

**Issues Presented:** Whether the actions of the Respondent violated any of the General or Sheriff's orders or Merit Board Rule set forth above and what if any discipline is appropriate if a violation occurred.

**Resolution of Issues Presented:** The Merit Board finds that a violation of Sheriff's Order 11.2.1.0 II, IX paragraph C. 1. and 2., and XIII paragraphs A., B. and C.; General Order 3.8 I, III paragraph A. 4. and paragraph D. 6.; General Order 4.1 III paragraph A. 17; and the Rules and Regulations of the Cook County Sheriff's Merit Board, Article X paragraph B 3. occurred.

**Findings of Fact:** An evidentiary hearing in this matter was held on July 24, 2015, at the Cook County Administration Building, 69 West Washington Street, Room 1100, Chicago, Illinois before James P. Nally. Present were Petitioner by counsel and Respondent by counsel. One witnesses testified for the Sheriff: Senior Investigator with the Sheriff's Office of Professional Review, [REDACTED]. The Respondent testified on his own behalf and called one witness: Department of Corrections Officer [REDACTED].

**Joint Exhibits 1-7** were admitted into evidence.

**Evidence:**

[REDACTED] testified he is currently employed as a senior investigator for the Cook County Sheriff's Office of Professional Review. The witness testified that he investigated a complaint filed by [REDACTED] [REDACTED] claiming that Officer [REDACTED] and other officers has beaten him up. He stated that he also investigated a complaint against Respondent for failing to perform assigned tasks and that he improperly operated a video camera during and after a use of force incident. Officer [REDACTED] testified that he viewed two videos, marked as Joint Exhibits 1 and 2, as part of his investigation. Those videos were played during Officer [REDACTED] testimony at the hearing. On direct examination, Officer [REDACTED] testified that he concluded that Respondent had violated Sheriff's Order 11.2.1.0 because, "During his interview process, he never asked the detainee if he needed any medical attention, nor did he state on the thing that he was getting the detainee medical attention." On cross Officer [REDACTED] was asked if he knew if any of the other officers present in the video marked as Joint Exhibit 2 had been charged with any kind of neglect or failure to get medical attention for the detainee and he responded that he was not aware of any. Officer [REDACTED] testified that he was not confined to investigating Respondent and that he had investigated three officers that had been involved in the initial contact with Rashad [REDACTED]. He stated that he was aware that the holding cell had officers assigned to monitor it and that he had not interviewed those officers. Officer [REDACTED] testified that he did not recommend any other complaint registers in relation to this incident. He stated that he focused on Respondent because he was named in the complaint. Officer [REDACTED] testified that in the taped interview [REDACTED] did not answer any of the questions posed to him by Respondent. The witness stated that in the video he could see an injury on [REDACTED] head as he was being escorted and that there was no investigation of those other employees for not providing medical attention. On redirect Officer [REDACTED] testified that in the video of the interview Respondent has custody of [REDACTED].

The Sheriff rested and the Respondent presented his case.

[REDACTED] [REDACTED] testified that he is employed as a correctional officer for the Cook County Department of Corrections and that he was working on the night in question. He stated that he responded to an altercation and that inmates involved in altercations are moved to one of the cells in the holding area. He stated that he walked by the holding cell that contained [REDACTED] and,

based upon a conversation with a nurse exiting the cell, he thought that he did get medical attention. On cross Officer ██████ testified that he was not present when Respondent interviewed ██████ and that he did not know who was present at that interview. He testified that his statement in his report regarding "medical was notified" was based upon something he heard from another officer.

Humberto Campos, Jr. testified that he is employed as a correctional sergeant with the Cook County Sheriff's Department and that he was working Division 9 on the night in question. He stated that in response to an all-available call on his radio he retrieved a video camera and proceeded to 1-H where he turned the camera on to film the escort of ██████ but that he handed the camera off to another because he himself appeared in some of the escort shots. Respondent testified that he retrieved the camera and interviewed several deputies involved in the altercation resulting in the all-available call, ██████ cellmate and, lastly, ██████ He stated that he interviewed ██████ in "holding" in the presence of other employees, including non-uniformed employees, but that he could not remember their names. He stated that only medical or psych staff would be present and not in uniform. Respondent testified that when he arrived for the interview ██████ was in the cell with a non-uniformed employee and that he waited three to five minutes before approaching the cell. He stated that at that time he began his interview of ██████ and that ██████ "wasn't answering any of my questions." Respondent was asked to explain why he didn't ask ██████ if he needed medical attention and his response was, "He wasn't answering any of my questions, and with him not answering, not responding to my questions, I cut the camera off." He stated that, "I believe that the person that was in there before my interview was attending to his medical attentions." On cross Respondent testified that during the interview ██████ was right in front of him in handcuffs as he pointed the video camera at him. He stated that he was familiar with the requirements of the Sheriff's Order on what to do if an inmate has an apparent injury or is unconscious and that the order required officers to provide immediate medical attention. Respondent testified that ██████ had an apparent injury, but when questioned if ██████ was unconscious responded that "I'm not medical staff." Respondent testified that in the interview he saw that the inmate was having difficulty holding up his head, that his eyes appear to be closed, that he had a large bruise on his eye, that he had blood on his face, that he had blood on his shirt, that he appeared to be sliding down the wall behind him, that he appeared to not be able to sit up and that his body appeared to be slumping down. He testified that he is not a doctor, or a nurse, or a medical care provider, that he had no medical training to determine whether somebody's unconscious or whether they need to be kept awake due to a concussion, whether somebody broke their jaw or whether somebody needs immediate medical attention. Respondent testified that he did know that based upon the Sheriff's Order when an inmate has an apparent injury or they're unconscious somebody needs to call for medical attention. Respondent testified that inmates do not need to say to him, "I want medical attention" and that if somebody's unconscious they can't specifically ask him for medical attention and "you should call for medical attention."

### **Findings:**

The Board finds that the evidence shows that Respondent did violate all the General Orders and Merit Board rules as charged. The record is clear that Respondent failed to offer immediate medical attention to inmate ██████ The Respondent could certainly tell that the inmate was

physically injured, had difficulty responding to questions. The videotape clearly shows that the inmate was injured. Nothing in the record shows the Respondent offered to obtain medical attention or took steps to provide any medical attention to the inmate.

**Conclusions of Law:** Based on the evidence presented, and after assessing the credibility of witnesses and the weight given to the evidence in the record, the Merit Board finds that the Respondent did violate all aforementioned General Orders of the Cook County Sheriff, and Merit Board Rule Article X paragraph B 3.

**Order:** Wherefore, based on the foregoing, it is hereby ordered that the Respondent Humberto Campos, Jr. shall be suspended for ninety (90) days from the Cook County Sheriff Department of Corrections effective December 16, 2014.

[Redacted]

James P. Nally, Chairman

[Redacted]

Byron Brazier, Vice Chair

[Redacted]

John Dalicandro, Secretary

[Redacted]

Brian J. Riordan, Board Member

[Redacted]

Kim R. Widup, Board Member

[Redacted]

Vincent T. Winters, Board Member

[Redacted]

Jennifer E. Bae, Board Member

[Redacted]

Patrick Brady, Board Member

Dated November 19, 2015

