

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
)
Petitioner,)
vs.)
) **Docket No. 2222 & 2223**
Terrence S. Camodeca)
Deputy Sheriff)
Star # 10545)
)
Respondent.)

DECISION

This matter coming on to be heard pursuant to notice before Wade Ingram Sr., Board Member, on March 20, 2023. The Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

Terrence S. Camodeca, hereinafter Respondent, was appointed a Deputy Sheriff on September 18, 1995. Respondent's position as a Deputy Sheriff 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.

Findings of Fact

The Sheriff filed a complaint on February 19, 2020, seeking termination of the Respondent Terrence S. Camodeca. Wherefore, Thomas J. Dart, Sheriff of Cook County, maintains that the Respondent, by his conduct, has violated the Rules and Regulations and policies of the Cook County Sheriff's Office, the Cook County Court Services Department, and the Cook County Sheriff's Merit Board, and respectfully requests this Board to hold a hearing on the charges as set forth in the complaint, pursuant to statute, and on proof of said charges, or an part thereof, the Board shall make a finding of guilty and order the Respondent be terminated from the Cook County Sheriff's Office.

After the case was continued from time to time, and discovery completed, it was called for a formal hearing on March 20, 2023. At the hearing, the court reporter was present, all witnesses sworn in under oath, with testimony taken from witnesses called by the Sheriff as well as testimony taken from the Respondent and witnesses called on his behalf. Documents were introduced by Petitioner and Respondent and admitted into evidence.

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On September 18, 1995, the Respondent, Terrence S. Camodeca, was appointed a Deputy Sheriff. On February 16, 2010, the Respondent was assigned to the Daley Center Courts. Around early 2019, Civilian A was in her late teens, and Civilian B was pregnant.

In 2019, the Respondent first asked for the ages of Civilian A and Civilian B and made a noise when he heard Civilian A's age. The Respondent continued to approach Civilian A and Civilian B when Civilian B's husband was away, started at them from behind the kiosk, and made unwelcomed comments, such as "you [Civilian A] are going to have a beautiful baby someday," "I [Respondent] am going to have a baby with you. You're such a pretty girl and your baby will be beautiful too, and "you [Civilian B] and I could have a beautiful baby one day."

On March 19, 2019, Civilian A approached a sergeant, Sergeant [REDACTED] ("Sgt. [REDACTED]"), requested a conversation, and stated that one of the deputies was harassing Civilian A and her sister Civilian B, and she did not want to come to work. On March 19, 2019, Sgt. [REDACTED] notified Lieutenant [REDACTED] (Lt. [REDACTED]) and Superintendent [REDACTED] ("Supt. [REDACTED]") about his conversation with Civilian A. Lt. [REDACTED] and Sgt. [REDACTED] met with Civilian A at the lieutenant's office, whereby Civilian A described the Respondent's appearance and identified the Respondent after she was shown a photograph.

Lt. [REDACTED] asked the Respondent about the allegations made by Civilian A. After the meeting with the Respondent on March 19, 2019, Lt. [REDACTED] ordered the Respondent to stay away from Civilian A and Civilian B and instructed the supervisors not to assign the Respondent near the kiosk until further notice. Later in the afternoon on March 19, 2019, Civilian A's parents and another sister arrived from Indiana to speak with Lt. [REDACTED] and Sgt. [REDACTED]. During this meeting with Lt. [REDACTED] and Sgt. [REDACTED] Civilian A's family expressed concerns about Civilian A's and Civilian B's safety. The Respondent was observed walking past the kiosk numerous times and stepping on the up escalator, turning around and staring at Civilian B. On March 22, 2019, Lt. [REDACTED] called the Respondent and asked, 'what part of stay away from the kiosk did you not understand,' the Respondent stated, "I haven't bothered anyone."

July 2, 2019, the Respondent was interviewed by investigators from the Cook County Sheriff's Office of Professional Review (OPR). Respondent admitted that he made statements about a baby, but denied that the statements were that 'Civilian A would have a beautiful baby,' but instead that 'the baby [that Civilian A and Civilian B brought to work] was beautiful' and that 'the Respondent would let Civilian A take care of Respondent's child because Civilian A was so good at multi-tasking, she could hold a baby in one arm and process credit card statements with her other arm.'

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April 5, 2019, the Respondent was assigned to the County Building, Tuesday through Saturday, 0800 to 1600 hours. On April 5, 2019, after his shift ended, the Respondent clocked out at 4:06 PM in the Daley Center building. After the Respondent clocked out in the Daley Center Courts Building, he walked back to the County Building, and went up to the County Board President's Office on the 5th Floor.

The Respondent told Deputy Sheriff [REDACTED] ("Dep. [REDACTED]"), who was on duty at the time at the President's Office, that he needed to use the computer. When Dep. [REDACTED] asked the Respondent if he was alright, the Respondent appeared angry and agitated. Dep. [REDACTED] went downstairs to the lobby area to get Deputy [REDACTED] ("Dep. [REDACTED]") for a backup. Dep. [REDACTED] and Dep. [REDACTED] went up to the 5th floor, saw that the Respondent was using the computer and the phone, and they both came down to the lobby area on the 1st floor. Dep. [REDACTED] then went up to the President's Office on the 5th Floor and told the Respondent she needed to secure the office. In response, the Respondent flailed his arm, mumbled, picked up the phone receiver on the desk and slammed the phone down, stating, "I am going to get back in."

Deputy [REDACTED] locked the door from the inside, then went around to the side door to exit the President's Office, while the Respondent was standing in the hallway. While Dep. [REDACTED] was conducting a floor sweep on the 5th floor, he walked up to President's Office and saw, through the glass door, the Respondent getting off the computer and heading to the door from the inside. Dep. [REDACTED] told Dep. [REDACTED] who notified Sergeant [REDACTED] ("Sgt. [REDACTED]"), that the Respondent was back in the President's Office after Dep. [REDACTED] secured the area. Sgt. [REDACTED] immediately notified Lieutenant [REDACTED] ("Lt. [REDACTED]") and went up the elevator, the Respondent came down in another elevator and left the building.

Shortly after the incident, Superintendent [REDACTED] ("Supt. [REDACTED]") spoke with the Respondent, whereby the Respondent stated that he obtained the code to the door from a County Commissioner, so that the Respondent would not have to disturb the Commissioner when he needed to send someone back to the office. On April 5, 2019, while off duty, the Respondent utilized Cook County equipment for personal use. Shortly after the incident the Respondent's assignment changed to Daley Center Tuesday to Friday, and County Building on Saturdays only.

On June 7, 2019, the Respondent sent two emails to the Aide to the [REDACTED] [REDACTED] ("[REDACTED]") stating: "Hi [REDACTED] I am heartbroken by my reassignment. I took a lot of pride in the County Building. I hope to be put back at the County Building post in the future. I miss you all." [REDACTED] [sic] I respect [REDACTED] I respect the fact that she does not want my presence on the [REDACTED] floor anymore. I know I have a unique personality. But I do embrace my County Building post. Even if it means staying in the main lobby, I would be very thankful. Have a nice weekend."

On July 2, 2019, the Respondent was interviewed by investigators from the Cook County Sheriff's Office of Professional Review ("OPR"). During his interview with OPR the Respondent admitted that he used the County computer and phone for his personal matter on April 5, 2019. During the interview with OPR the Respondent was particularly

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ordered not to discuss the investigation or disseminate related material to anyone other than his union representative or counsel.

On July 18, 2019, while on duty, the Respondent sent an email to [REDACTED] of Staff of the Cook County Sheriff's Office ("CCSO") [REDACTED] ([REDACTED]) stating: "I have always been proud of being a Cook County Sheriff. My pride goes beyond a standard 8-hour shift. I remember when the Sheriff needed volunteers to work the [REDACTED] situation I was there. When the Sheriff needed volunteer for [REDACTED] I was there. When the Sheriff wanted volunteers to [REDACTED] I was there. I will always go beyond the 8 hours when it comes to championing this department. I hope when my OPR case is settled I will be able to return to the County building. I hope you have a nice day. Stay dry. Lots of rain today."

Conclusion

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given by the evidence in the record, the Board finds, by a preponderance of the evidence, that Respondent Terrence S. Camodeca did violate the Cook County Sheriff's Department Rules and Regulations.

SHERIFF ORDER 101.5.2 CONDUCT

- (L) Discourteous, disrespectful or discriminatory treatment of any person.
- (M) Inappropriate language or communication (e.g., obscene, indecent, derogatory), including by way of email or other electronic means, or any gesture directed at any person that is abusive, harassing or insolent.

SHERIFF ORDER 101.5.5 PERFORMANCE

- (g) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (ab) 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 its contents, and are responsible for compliance with the content contained therein.
- (as) Any other on-or conduct which a member knows or reasonably should know is unbecoming a member of the Sheriff's Office; which is contrary to good order, efficiency or morale; or which tends to reflect unfavorably upon the Sheriff's Office or its members.

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SHERIFF ORDER 136 INFORMATION TECHNOLOGY USE

136.4 RESTRICTED USE -Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or system by another member to their supervisor or watch commanders. Members shall not use another person's access passwords, login information and other individual security date, protocols and procedures.

136.4.5 OFF-DUTY USE – Members shall not use technology resources provided by the Sheriff's Office while off-duty unless that use is required as part of a regular duty assignment (e.g., exempt member, investigator), in conjunction with specific on-call assignments or specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other off-duty, work-related activities. Members shall be disciplined up to and including termination for any off-duty use of Sheriff's Office technology resources, unless specifically authorized by the respective department head.

138.3 PROHIBITED USE OF EMAIL- Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the email system is prohibited, will not be tolerated, and may result in discipline. Email messages addressed to the entire Sheriff's Office are only to be used for official business-related items that are of particular interest of all users. Personal advertisements are not acceptable.

There is sufficient evidence that the Respondent disobeyed Lt. [REDACTED] direct order to stay away from the girls (complaining witnesses), and don't go near their kiosk, Sgt. [REDACTED] was present when Lt. gave Respondent a direct order to stay away from the girls and their kiosk.

After meeting with the Respondent and giving him a direct order not to go near the girls or their kiosk, Lt. [REDACTED] had a meeting with all her supervisors and told them not to assign the Respondent to any other courtrooms on the lower-level so he wouldn't have any contact with the girls at the kiosk. Based on the evidence presented and direct testimony of the Respondent, the Board finds there is sufficient evidence to prove that the Respondent did violate Court Services Department Policy 101.5.5 (g)-Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from a supervisor or person in a position of authority.

As a matter of record. On March 9, 2023, the Sheriff requested two subpoenas be issued for persons residing outside of the State of Illinois, to wit, [REDACTED] The

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Merit Board's Rules and Regulations expressly disallow subpoenas for out of state witnesses at Article IX (G)(2) which states as follows:

"Subpoenas issued by the Board may be served by an adult designated by the party requesting the subpoenas. Subpoenas will not be issued for anyone residing outside the State of Illinois.

It was determined that [REDACTED] are residents of the State of Indiana. Based on Rules and Regulations of the Cook County Sheriff's Board, the motion for issuance of subpoenas for out of state residents was denied. It should be noted that the Sheriff did not file a notice of intention to present testimony by video conference. As a result, the complaining witnesses, [REDACTED] did not appear at the hearing on March 20, 2023

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On April 5, 2019, at 4:58 p.m., the Respondent went into the County Board President's Office on the fifth floor of the County Building to use the computer. It should be noted that the Respondent was not assigned to the [REDACTED] floor of the County Building, and his tour of duty ended at 4:00 p.m. After work, the Respondent was walking near the area of Merchandise Mart and noticed his cellphone was missing. The Respondent realized that he lost his phone, or he was pickpocketed. At this point, the Respondent decided to return back to the County Building to use the telephone to notify AT & T to report his phone lost. Deputy [REDACTED] was assigned to the evening shift and had the responsibility of securing the County Board President's Office at 5:00 p.m.

Under direct examination, the Sheriff questioned the Respondent related to the matter in the following manner:

- Q. Sure. So, on April 5, 2019, you entered the County Board President's Office after the area was secured, correct? (TS: 47: 9-11).
- A. I believe I did. (TR: 47-15).
- Q. On April 5, 2019, you entered the County Board President's Office after the area was secured by using the access code that you received while you were previously assigned to the office. Correct? (TS: 47:17-20)
- A. Yes, I did. (TR: 47-24).
- Q. On April 5, 2019, none of your supervisors authorized you to enter the area when you entered the County Board President's Office after the area was secured. Correct? (TS 49: 6-9).
- A. That is correct, no supervisor gave me authorization to enter that office after hours. (TR 49: 14-15)

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- Q. Thank you. On April 5, 2019, you entered the County Board's President's Office after the area was secured to conduct your personal business, correct?
- A. It was personal business, but it was also a combination because the phone is used for county-related business as well. I don't know if you know this or not, but sometimes when you have to do report evidence has got to be spelled right when you have that phone with you, you can spell-check everything on the phone. There's so many things that you can do with that phone, so the phone was serving a multipurpose in my life.

Deputy [REDACTED] testified during the hearing, and gave the following response to questions posed to him by Sheriff's [REDACTED]

- Q. Did you go up to the fifth floor once or more than once that evening after Deputy [REDACTED] asked you to check to see if Deputy [REDACTED] was in the office. (RS: 147:4-7).
- A. I did. After hours, what we do is we check the floors because the homeless come in—come in after—during the day and they stay—try to stay after hours in the restrooms. So, doing my tour, maybe it was almost 30 minutes after, so what I'm talking about is maybe 5:30 I did my rounds to check the restroom, and when I checked the restrooms upstairs, I still seen Deputy Sheriff [REDACTED] in the reception area in the president's office. (TS:147: 7-15).

In addition, Deputy [REDACTED] admitted during his OPR interview with Investigator [REDACTED] that he entered the Board President's Office after the area was secured for non-county business. (TS: 194:17-20).

There is sufficient evidence to prove that the Respondent violated Cook County Court Services Policy 136.4.5, in that the Respondent was off duty and using Sheriff's office equipment and being in a secured area after being told to leave. The Respondent's argument that a County Commissioner gave him the access code to enter the office when he was previously assigned to the office is indefensible. Having lost his cellphone while on the way home is not a reason to come into a secure area despite having the access code, and not leaving when told to do so by the person responsible for securing the area. Lastly, the Respondent did not have permission or authorization from a supervisor to be in the area.

On July 2, 2023, the Respondent was particularly ordered not to discuss the investigation or disseminate related material to anyone other than his union representative or counsel. On June 7, 2019, the Respondent sent two emails to the Aide to the [REDACTED]. In the first email, the Respondent made the following statement: "I took a lot of pride in the County Building. I hope to be put back at the County Building post in the future. I miss you all. It should be noted that [REDACTED] did not appear at the hearing on March 23, 2023, to give testimony. In the second email, the Respondent made the following statement, ". I do embrace my County Building post. Even if it means staying in the main lobby, I would be very thankful.

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“On July 18, 2019, the Respondent sent an email to [REDACTED] of the Cook County Sheriff’s Office (“CCSO”) [REDACTED] stating, “I will always go beyond the 8 hours when it comes to championing this department. I hope when my OPR case is settled I will be able to return to the County Building. I always go beyond the 8 hours when it comes to securing the tenants in the County Building. I hope you have a nice day.” [REDACTED] did not appear at the hearing to give testimony.

When asked why he sent that email to [REDACTED], the Respondent made the following statement: Through the years, I have had interactions with the chain of command because the chain of command would often come into the Cook County Board room during the budget cycle or during the special events in the president’s office. They would come in; I would get to know them. They would hand me their cards. They would say, Terry, if you ever need anything, we’re here for; if you ever have any problems; let us know. and so I took that to mean that I could email them ... (TR: 271: 22-24) (TR:272:1-6).

On August 21, 2019, while on duty, the Respondent sent an email to [REDACTED] [REDACTED] stating: “I hope after everything is said and done that I will be able to return to the County Building [sic]. I miss my partners and I miss the tenants that I have helped to secure for 24 hours. I fell [feel] my OPR interview went well. They were very professional and respectful. Hope you are having a nice summer.”

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given to the evidence in the record and testimony, the Board finds the Respondent Terrence S. Camodeca violated the Rules and Regulations and Policies of the Cook County Sheriff’s Office, the Cook County Court Services Department, and the Cook County Sheriff Merit Board.

ORDER:

Wherefore, based on the foregoing, it is hereby ordered that Respondent Terrence S. Camodeca be terminated from the Cook County Sheriff’s Office effective February 19, 2019.

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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COOK COUNTY
SHERIFF'S MERIT BOARD
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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, and James J. Sexton

Voted No: Wade Ingram Sr.

Not Present: None

DATED AT COUNTY OF COOK, STATE OF ILLINOIS, THIS 10th DAY OF JULY, 2023.