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PRESS RELEASE

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CONTACT INFORMATION:

Appellate Court Decision on Oda Poole

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Appellate Court Upholds Arbitrator's Decision Remands Case for Further Consideration of a Remedy

ROCKFORD, Ill. – The Second District Appellate Court issued a Rule 23 Decision which upheld Arbitrator Elizabeth Simon's 2013 determination that the City lacked just cause to terminate Oda Poole in 2011. The Court declined to return Poole to his prior position, and remanded the case to the Arbitrator for further consideration on a remedy.

The Appellate Court decision summarized reasons as to why the City discharged Officer Poole. The Appellate Court in its decision agreed with many of the City's criticisms of the Arbitration Award. The Court called the arbitrator's analysis "extremely weak," "ridiculously abbreviated," "incomplete," "not compelling," and recognized that the Arbitrator "undermined" her own decision. The Court further observed that the Arbitrator was "repeatedly confused," and she "seemed to overlook" certain aspects of her analysis related to the City's expert while "gloss(ing) over significant weaknesses" within the evaluation of the Union's expert. The Appellate Court also agreed with the City that the current remedy, which reinstates Poole to administrative leave and requires him to show that he is fit for duty, should be vacated.

Mayor Morrissey observed, "This litigation provides insight into the difficulties of addressing police reform. While the leaders of many jurisdictions are criticized for turning a blind eye towards troubled officers, Illinois continues to perpetuate a system where nearly anonymous arbitrators conduct secret hearings to determine whether a

municipality may discipline or discharge individuals who may no longer be capable of the extremely challenging position as police officers.”

Mayor Morrissey continued, “In this matter the City has continued to prioritize protection of the public. And while this decision does not resolve the matter, I take some comfort that Arbitrator Simon, the Circuit Court and the Appellate Court have all refused to render a decision that would have any of them directly responsible for returning Oda Poole to duty.”

Mayor Morrissey concluded, “I appreciate the support the Aldermen have continued to provide in this matter. I am certain that the Council will continue to give this matter careful consideration in determining the next steps.”

The parties have a number of options in the aftermath of the Appellate Court Decision: Either party may request an *en banc* hearing by the entire Appellate Court; either party may file a Petition for Leave to Appeal to the Illinois Supreme Court; the parties may return to the Arbitrator; or the parties may reach some settlement of the dispute.

Rockford Police Department Chief Dan O’Shea confirmed that Oda Poole has been on administrative leave since Arbitrator Simon issued the Award in 2013. “Officer Poole will remain on administrative leave pending the resolution of the litigation.”

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