



Media Release

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City Settles Case with Police Officer

Officer Oda Poole Will Retire from RPD as Part of Settlement

ROCKFORD, Ill. – The City of Rockford announced a settlement in a workers’ compensation case with Rockford Police Officer Oda Poole. The settlement is subject to approval by the Workers’ Compensation Commission. Details of the case and settlement are outlined below:

- On August 24, 2009, Rockford Police Officers Oda Poole and Stan North pursued Mark Barmore into the Kingdom Authority Church after hearing a radio dispatch stating that Barmore had an outstanding felony warrant and was also wanted for questioning related to an incident earlier that day in which Barmore threatened to slit a woman’s throat.
- Officers Poole and North pursued Barmore to the basement of the church. While attempting to apprehend Barmore, Officer Poole and Barmore became engaged in a physical struggle, wherein Barmore attempted to disarm Officer Poole. Officer Poole discharged his weapon one time during the struggle, grazing Barmore in the neck. Officer North discharged his weapon four times, striking Barmore in the torso and killing him.
- Officer Poole was placed on paid administrative leave immediately after the incident pending the City’s investigation into the matter.
- On March 1, 2010, Officer Poole filed a claim for worker’s compensation related to the incident. That matter remains pending before the Illinois Workers Compensation Commission.

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- Officer Poole was terminated from the Rockford Police Department on July 15, 2011, based on the City's allegation that he was unfit for duty.
- The Union grieved the termination decision. The matter proceeded to arbitration. On November 15, 2013, the arbitrator ruled that the City did not have just cause to terminate Officer Poole and did not prove that Poole was unfit for duty.
- The arbitrator ordered the City to reinstate Oda Poole to the position he held immediately prior to his 2011 termination, which was paid administrative leave, pending a determination as to the appropriate remedy for the wrongful termination. Based on the arbitrator's decision, Oda Poole was reinstated and placed on paid administrative leave.
- The City appealed the arbitrator's decision first to the 17th Circuit Court and then to the Illinois 2nd District Appellate Court. Both courts of appeal upheld the arbitrator's determination that Poole was discharged without just cause and ordered that the matter be sent back to the arbitrator for a determination as to the appropriate remedy for the wrongful termination and the terms of his reinstatement to the police department.
- The City petitioned for leave to appeal to the Illinois Supreme Court, but the petition was denied.
- The remedy for a police officer who has been wrongfully terminated is reinstatement and typically also includes a financial "make whole" award that includes back pay, lost overtime, and reimbursement for other expenses incurred as a result of the termination.
- The parties submitted position statements outlining their respective positions on the proper remedy. The matter was scheduled for oral argument on December 12, 2017. The City and Poole's representatives had been negotiating a potential settlement for approximately 8 weeks prior to the hearing date.
- On the day of the hearing, the parties were able to reach terms of a settlement agreement in principal, which would resolve all outstanding issues.

The terms of the agreement are as follows:

- \$700,000 settlement of Poole's worker's compensation claim, to be paid out over four years.
- Officer Poole shall retire from the Rockford Police Department in good standing after successfully completing a 40-hour certification course and firearm certification. Officer Poole will remain assigned to administrative leave until the certification is completed. The process is anticipated to be completed in 2-3 weeks, at which time Officer Poole will retire from the Rockford Police Department.
- Officer Poole and his family will be allowed to remain on the City's health insurance for a period of 10 years.
- City shall deposit \$41,320.89 into Poole's pension fund. The City had stopped contributing to police pension fund on behalf of Poole from the date Poole was wrongfully terminated on July 15, 2011 until his reinstatement to paid leave on November 15, 2013. The \$41,320.89 is the amount necessary to reimburse the pension fund for the 28 month gap in payments.
- The agreement must be approved by the Workers Compensation Commission.

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