

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

**IN THE MATTER OF CHARGES FILED AGAINST** )  
**SERGEANT PATRICK J. GILMORE,** ) **No. 15 PB 2892**  
**STAR No. 1685, DEPARTMENT OF POLICE,** )  
**CITY OF CHICAGO,** )  
 ) **(CR No. 1042663)**  
**RESPONDENT.** )

**FINDINGS AND DECISION**

On August 28, 2015, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Sergeant Patrick J. Gilmore, Star No. 1685 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be suspended from the Chicago Police Department for sixty (60) days for violating the following Rules of Conduct:

- Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 5: Failure to perform any duty.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 10: Inattention to duty.
- Rule 11: Incompetency or inefficiency in the performance of duty.
- Rule 21: Failure to report promptly to the Department any information concerning any crime or other unlawful action.

On November 13, 2015, the parties entered into a Stipulation, stating that the Respondent seeks to plead guilty to said charges and accept the recommended 60-day suspension, and stating that the parties wish to avoid the expense, inconvenience, and burden of holding a full hearing on the charges while still providing the Police Board with sufficient facts for it to resolve this matter. The parties appeared before Hearing Officer Thomas E. Johnson on November 13, 2015, to argue their positions.

The Police Board initially did not accept the Stipulation. On February 18, 2016, the Board entered an Order directing the hearing officer and the parties to litigate the matter at a full evidentiary hearing, stating that a full record will permit the Board to not only make a determination of guilt or innocence, but also to determine an appropriate penalty, if the Board finds the Respondent guilty of one or more charges. On May 9, 2016, the parties filed a Joint Motion for Reconsideration of the Board's February 18, 2016, Order, stating that a hearing will not result in a fuller record on which the Board can determine guilt or innocence or an appropriate penalty for several reasons, discussed more fully below.

The members of the Police Board read and reviewed the record of the proceedings. Hearing Officer Johnson made an oral report to and conferred with the Police Board before it rendered its findings and decision.

### **POLICE BOARD FINDINGS**

The Police Board of the City of Chicago, as a result of its consideration of this matter, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a sworn officer by the Department of Police of the City of Chicago.
2. The written charges, and a Notice stating when and where an initial status hearing was to be held, were personally served upon the Respondent on September 3, 2015.
3. Throughout the proceedings the Respondent was represented by legal counsel.
4. The parties' Joint Motion for Reconsideration of the Board's February 18, 2016, Order shall be granted, and the Board's February 18, 2016, Order shall be vacated for the following reasons.

In October of 2014, long after the 2011 incident that is the subject of these charges, Sergeant Gilmore was attacked by a group of men and suffered a significant traumatic brain injury. This injury has left him without any memory of the events that occurred in 2011, as well as multiple impairments. As such, he is unable to offer any information about what happened in 2011, other than what he provided in his statement to the Independent Police Review Authority (IPRA) in 2012, in which he took full responsibility for his rule violations. The extent of Sergeant Gilmore's brain injury was corroborated by medical records from psychiatrists and an internist that were provided to the hearing officer. In addition, Sergeant Gilmore's partner at the time of the 2011 incident was subsequently involved in a serious motor vehicle accident that prompted him to go on a leave of absence. He is no longer an active member of the Chicago Police Department. At his IPRA interview, he was unable to recall any of the events that gave rise to these charges. Finally, the Superintendent's counsel has advised the hearing officer and the Board that it cannot locate and cannot present Reginald Calhoun as a witness in this case. Mr. Calhoun was the arrestee who escaped from Sergeant Gilmore's custody and is the only civilian witness to the underlying charges. As such, there are no witnesses with knowledge of the 2011 incident that could be called at an evidentiary hearing, and no way for the Board to learn additional facts about the incident that is the basis for these charges.

5. Because a full evidentiary hearing will not result in a more complete record on which to decide this case, the Board accepts the Stipulation parties entered into on November 13, 2015 ("Stipulation").

6. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, had an arrestee, Reginald Calhoun, escape from his/Department custody, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it violates Rule 2.

7. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count II: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, failed to make a proper notification that an arrestee, Reginald Calhoun, escaped from his/Department custody, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it violates Rule 2.

8. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy

and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count III: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, failed to include in one or more Departmental reports, including, but not limited to, a General Offense Case Report, information relating that an arrestee, Reginald Calhoun, escaped from his/Department custody, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it violates Rule 2.

9. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 5: Failure to perform any duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, had an arrestee, Reginald Calhoun, escape from his/Department custody, and, thus, failed to restrain and transport a person taken into Department custody in such a manner as to prevent escape, thereby failing to perform any duty.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it violates Rule 5.

10. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 5: Failure to perform any duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count II: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, failed to make a proper notification that an arrestee, Reginald Calhoun, escaped

from his/Department custody, and, thus, failed to make a required immediate notification, thereby failing to perform any duty.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it violates Rule 5.

11. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 5: Failure to perform any duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count III: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, failed to include in one or more Departmental reports, including, but not limited to, a General Offense Case Report, information relating that an arrestee, Reginald Calhoun, escaped from his/Department custody, thereby failing to perform any duty.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it violates Rule 5.

12. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, had an arrestee, Reginald Calhoun, escape from his/Department custody, and, thus, failed to restrain and/or transport a person taken into Department custody in such a manner as to prevent escape, in violation of General Order 02-06, thereby disobeying a written order or directive.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it violates Rule 6.

13. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count II: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, failed to make a required immediate notification that an arrestee, Reginald Calhoun, escaped from his/Department custody and/or failed to document the notification on a case report, in violation of Special Order 04-12 and/or Addendum to Special Order 04-12, No. 1, thereby disobeying a written order or directive.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it violates Rule 6.

14. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, had an arrestee, Reginald Calhoun, escape from his/Department custody, and, thus, on or about January 12, 2011, Sergeant Patrick J. Gilmore was inattentive to duty.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it violates Rule 10.

15. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count II: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, failed to make a proper notification that an arrestee, Reginald Calhoun, escaped from his/Department custody, and, thus, on or about January 12, 2011, Sergeant Patrick J. Gilmore was inattentive to duty.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it violates Rule 10.

16. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count III: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, failed to include in one or more Departmental reports, including, but not limited to, a General Offense Case Report, information relating that an arrestee, Reginald Calhoun, escaped from his/Department custody, and, thus, on or about January 12, 2011, Sergeant Patrick J. Gilmore was inattentive to duty.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it violates Rule 10.

17. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 11: Incompetency or inefficiency in the performance of duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, had an arrestee, Reginald Calhoun, escape from his/Department custody, and, thus, on or about January 12, 2011, Sergeant Patrick J. Gilmore was incompetent or inefficient in the performance of duty.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it

violates Rule 11.

18. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 11: Incompetency or inefficiency in the performance of duty,  
in that the Superintendent proved by a preponderance of the evidence the following charge:

Count II: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, failed to make a proper notification that an arrestee, Reginald Calhoun, escaped from his/Department custody, and, thus, on or about January 12, 2011, Sergeant Patrick J. Gilmore was incompetent or inefficient in the performance of duty.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it violates Rule 11.

19. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 11: Incompetency or inefficiency in the performance of duty,  
in that the Superintendent proved by a preponderance of the evidence the following charge:

Count III: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, failed to include in one or more Departmental reports, including, but not limited to, a General Offense Case Report, information relating that an arrestee, Reginald Calhoun, escaped from his/Department custody, and, thus, on or about January 12, 2011, Sergeant Patrick J. Gilmore was incompetent or inefficient in the performance of duty.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it violates Rule 11.

20. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 21: Failure to report promptly to the Department any information concerning any crime or other unlawful action,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, failed to make a proper notification that an arrestee in the lawful custody of a peace officer for the alleged commission of a crime, Reginald Calhoun, intentionally escaped from custody in violation of 720 ILCS 5/31-6(c), thereby failing to report promptly to the Department any information concerning any crime or other unlawful action.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it violates Rule 21.

21. The Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, charged herein, is **guilty** of violating, to wit:

Rule 21: Failure to report promptly to the Department any information concerning any crime or other unlawful action,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count II: On or about January 12, 2011, Sergeant Patrick J. Gilmore, who was a Police Officer at the time, failed to include in one or more Departmental reports, including, but not limited to, a General Offense Case Report, that an arrestee in the lawful custody of a peace officer for the alleged commission of a crime, Reginald Calhoun, intentionally escaped from custody in violation of 720 ILCS 5/31-6(c), thereby failing to report promptly to the Department any information concerning any crime or other unlawful action.

The Respondent admits in the Stipulation that he engaged in the above conduct and that it violates Rule 21.

22. The Respondent had an arrestee escape from his custody. It appears that the Respondent then tried to cover up his negligence by failing to make an immediate notification of the escape and by leaving it out of his Departmental reports. Such misconduct warrants a severe penalty.

Based on the Respondent's admissions in his statement to the Independent Police Review Authority and in the Stipulation, his extensive complimentary record (162 total awards, including 5 Department commendations and 134 honorable mentions), no sustained complaints on his disciplinary history, and because a full evidentiary hearing will not result in a more complete record on which to decide this case (see paragraph no. 4 above), the Board finds that the sixty-day suspension recommended by the Superintendent and agreed to by the Respondent is not unreasonable.

[The remainder of this page is left blank intentionally.]

**POLICE BOARD DECISION**

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case and having received the oral report of the Hearing Officer, hereby adopts the findings set forth herein by the following votes:

By votes of 7 in favor (Lori E. Lightfoot, Ghian Foreman, Eva-Dina Delgado, Michael Eaddy, Rita A. Fry, John H. Simpson, and Rhoda D. Sweeney) to 0 opposed, the Board grants the parties' Joint Motion for Reconsideration of the Board's February 18, 2016, Order, and vacates the Board's February 18, 2016, Order; and

By votes of 7 in favor (Lightfoot, Foreman, Delgado, Eaddy, Fry, Simpson, and Sweeney) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 2, Rule 5, Rule 6, Rule 10, Rule 11, and Rule 21.

As a result of the foregoing, the Board, by a vote of 7 in favor (Lightfoot, Foreman, Delgado, Eaddy, Fry, Simpson, and Sweeney) to 0 opposed, hereby determines that cause exists for the suspension of the Respondent from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of sixty (60) days.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the Respondent, Sergeant Patrick J. Gilmore, Star No. 1685, as a result of having been found **guilty** of all charges in Police Board Case No. 15 PB 2892, shall, upon his return to active duty as a member of the Department of Police, be **suspended** from his position as a sergeant with the Department of Police, and from the services of the City of Chicago, **for a period of sixty (60) days**.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Lori E. Lightfoot, Ghian Foreman, Eva-Dina Delgado, Michael Eaddy, Rita A. Fry, John H. Simpson, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18<sup>th</sup> DAY OF AUGUST, 2016.

Police Board Case No. 15 PB 2892  
Sergeant Patrick J. Gilmore

Attested by:

/s/ GHIAN FOREMAN  
Vice President

/s/ MAX A. CAPRONI  
Executive Director

**DISSENT**

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

---

RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

---

EDDIE T. JOHNSON  
Superintendent of Police