

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER ERIC HOLDER) Case No. 01-2463
STAR NO. 5319, CR #238295)

FINDINGS AND DECISION

On June 7, 2001, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Eric Holder, Star No. 5319 (hereinafter sometimes referred to as "Respondent"), for violating the following rules:

Rule 1: Violation of any law or ordinance.

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

Rule 7: Insubordination or disrespect toward a supervisory member on or off duty.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

The Police Board of the City of Chicago investigated these charges and caused a hearing on these charges against Police Officer Eric Holder, Star No. 5319, to be had before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on May 7, 2002, September 18, 2002, September 19, 2002, and November 7, 2002.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the

hearing. Thomas E. Johnson, Hearing Officer, made an oral report and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its investigation of the charges, found and determined that:

1. The Respondent was at all times employed as a police officer by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. The hearing was conducted before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on May 7, 2002, September 18, 2002, September 19, 2002, and November 7, 2002.

4. Throughout the hearing, Police Officer Eric Holder, Star No. 5319, was represented by counsel.

5. The Respondent's Motion to Dismiss is hereby denied.

6. The Respondent Police Officer Eric Holder, Star No. 5319, charged herein, contrary to the Rules and Regulations, is **guilty** of violating to wit:

Rule 1: Violation of any law or ordinance, in that on or about 10 July 1997, at or near 538 North Lawler, Chicago, Illinois, Police Officer Holder committed the offense of knowingly resisting

or obstructing one known by Officer Holder to be a peace officer of an authorized act within his official capacity, in violation of 720 Illinois Compiled Statutes, Section 5/31-1, to wit: Police Officer Holder resisted and struggled with police officers placing him under arrest, as is demonstrated by the fact that Officer Holder was convicted by a jury of this offense on or about January 28, 1998.

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 on or about 10 July 1997, at or near 538 North Lawler, Chicago, Illinois, Police Officer Holder resisted and struggled with police officers placing him under arrest.

7. The Respondent Police Officer Eric Holder, Star No. 5319, charged herein, contrary to the Rules and Regulations, is **not 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 evidence did not show, by a preponderance, that on or about 10 July 1997, at or near 538 North Lawler, Chicago, Illinois, Police Officer Holder impeded or interfered with the investigation of an aggravated battery by refusing to obey orders of police officers at the site of the investigation and by directing profanities at and engaging in a

verbal altercation with police officers at the site of the investigation.

Rule 6: **Disobeying an order or directive, whether written or oral,** in that the evidence did not show, by a preponderance, that on or about 10 July 1997, at or near 538 North Lawler, Chicago, Illinois, Police Officer Holder refused to obey orders of police officers at the site of an aggravated battery investigation when the police officers ordered Officer Holder to leave the site of the investigation.

Rule 7: **Insubordination or disrespect toward a supervisory member on or off duty,** in that the evidence did not show, by a preponderance, that on or about 10 July 1997, at or near 538 North Lawler, Chicago, Illinois, Police Officer Holder shouted profanities toward a supervisory member of the Chicago Police Department and refused to obey orders of the same supervisor.

Rule 8: **Disrespect to or maltreatment of any person, while on or off duty,** in that the evidence did not show, by a preponderance, that on or about 10 July 1997, at or near 538 North Lawler, Chicago, Illinois, Police Officer Holder shouted profanities at arresting officers, pushed officers on the scene, and struggled with officers during his arrest.

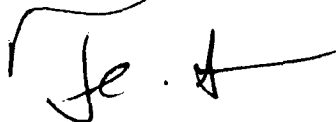
Rule 9: **Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,** in that the

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Star No. 5319

evidence did not show, by a preponderance, that on or about 10 July 1997, at or near 538 North Lawler, Chicago, Illinois, Police Officer Holder engaged in an unjustified verbal altercation by directing profanities at and arguing with police officers at the scene of an aggravated battery investigation.

By reason of the findings of fact, the Respondent is **guilty** of violating Rules 1 and 2.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T.E. Johnson", with a horizontal line extending to the right from the end of the signature.

THOMAS E. JOHNSON
Hearing Officer

D E C I S I O N

The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having received the oral report of the Hearing Officer, Thomas A. Johnson, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopt all findings herein and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the respondent's complimentary and disciplinary history, which is attached hereto as Exhibit A; and

IT IS HEREBY ORDERED that the respondent, Police Officer Eric Holder, Star No. 5319, as a result of having been found guilty of the charges in Police Board Case 01-2463, is hereby suspended from his position as a Police Officer, and from the services of the City of Chicago, from June 8, 2001, to and including June 12, 2001.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 22nd
DAY OF JANUARY, 2003.

Benito J. Cant

William J. King

Patricia C. Bobb

Vicki Spang

J. L. Miller

Scott Owen

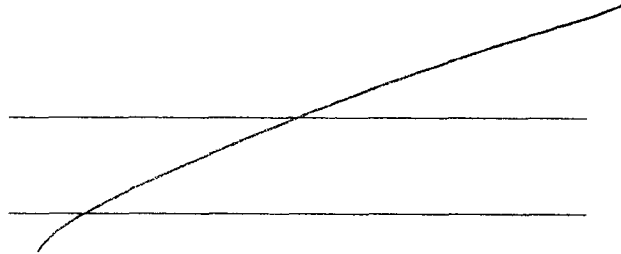
Phyllis Spelbaum

Michael
Executive Director, Police Board

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D I S S E N T

The following members of the Police Board hereby dissent from the decision of the majority of the Board.



RECEIVED A COPY OF THE FOREGOING
COMMUNICATION THIS 6th DAY
OF Feb., 2003



SUPERINTENDENT OF POLICE

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

31 OCTOBER 1997

TO: COMMANDING OFFICER, UNIT 113

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

HOLDER ERIC 5319 011
NAME (LAST, FIRST, M. I.) STAR UNIT
MALE BLACK [REDACTED]
SEX RACE S.S.N.

REFERENCE: COMPLAINT REGISTER NUMBER(S) 238295

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

SUPV. BUCHANAN 30 [REDACTED] 113
RANK NAME STAR S.S.N. UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION(S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

SEE ATTACHED

VERIFIED/PREPARED BY

DEANNA C. MAGSBY
FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

EX A

AI72 PREVIOUS DISCIPLINARY ACTION SUMMARY FUNCTION
NO MORE CLOSED - SUSTAINED CR'S (PAST 5 YEARS) OR SP'S (PAST 1 YEAR)
SSN [REDACTED] NAME: LAST HOLDER FIRST ERIC MI L STAR 05319
UNIT 011 EMP NO 300692 SEX M RACE N DOB 03 JUN 65 DATE APPTD 27 FEB 91
RANK 9161 POLICE OFFICER

CASE NO	INCIDENT DATE	DISCIPLINARY ACTION TAKEN	DATES SUSPENDED OR WORKED (FROM - TO)	OPTN/TD GRNT'D
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C205028	16 NOV 93	2-DAY SUSPENSION	26 MAY 94 - 26 MAY 94 ;	X
F/CAT: OPERATION/PERSONNEL VIOLATION: LEAVING ASGMT (DIST/BEAT/SECT/CT)				
LESS SER TRAN:				
COMMENTS FORFEIT 1 DAY COMP TIME				STATUS CLO

C209432	06 JUN 94	2 DAY SUSPENSION	21 FEB 96 - 22 FEB 96 ;	
F/CAT: OPERATION/PERSONNEL VIOLATION: MISCELLANEOUS				
LESS SER TRAN:				
COMMENTS				STATUS CLO

F/CAT:				
LESS SER TRAN:				
COMMENTS				STATUS

USE IN CR # 23265 ONLY

CHICAGO POLICE DEPARTMENT
COMPLIMENTARY HISTORY

DATE 31 OCT 1997

NAME Holder, Eric Rank PO SSN [REDACTED] Star 5319 UNIT 011

SPECIAL AWARDS 000

DEPARTMENT COMMENDATIONS: 000

HONORABLE MENTIONS: 015

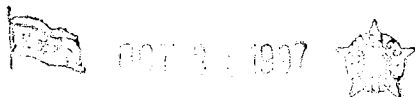
COMPLIMENTARY LETTERS: 001

Complimentary History Requested By:

NAME Buchanan, John RANK Inv 1V STAR 30 UNIT 113

CR# 238295

PERSONNEL SERVICES



CHICAGO POLICE DEPARTMENT

Completed By:

Demetra Berry
Personnel Division
Records Section Room-803
Pax 0-342 or Bell 7-5549