

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 22 AA 02**
APPLICANT FOR THE POSITION OF)
PROBATIONARY POLICE OFFICER,) **(Applicant No. [redacted])**
CITY OF CHICAGO.)

FINDINGS AND DECISION

[Name redacted] (hereinafter referred to as “Applicant”) applied for a probationary police officer position with the City of Chicago. In a letter dated March 13, 2022, the Office of Public Safety Administration (“OPSA”) gave Applicant written notice of its decision to remove Applicant from the list of eligible applicants for this position (“Eligibility List”) due to the results of a background investigation, along with the reason(s) for the disqualification decision (“Notice”).

On May 10, 2022, Applicant appealed this disqualification decision to the Police Board by filing a written request specifying why the OPSA erred in the factual determinations underlying the disqualification decision and bringing to the Board’s attention additional facts directly related to the reason(s) for the disqualification decision, pursuant to Section 2-84-035(b) of the Municipal Code of Chicago (“Appeal”). No Response was filed by the OPSA.

Police Board Appeals Officer Mamie Alexander has reviewed the Notice and Appeal.

APPEALS OFFICER’S FINDINGS, CONCLUSIONS, AND RECOMMENDATION

Appeals Officer Mamie Alexander, as a result of a review of the above material, submits the following findings of fact, conclusions of law, and recommendation to the Police Board.

Filings by the Parties

Applicant filed a timely appeal as provided by Section 2-84-035(b) of the Municipal Code of Chicago. No Response was filed within the time period allowed by the Police Board Rules of Procedure.

According to the Notice, Applicant was removed from the list of eligible applicants for the position of probationary police officer for the following reason:

B. Disqualification Based on Criminal Conduct

7. Other Criminal Conduct

(c) Conduct Indicating Violent Tendencies

Any conduct demonstrating a propensity for violence will be grounds for disqualification. Conduct demonstrating a propensity for violence includes, but is not limited to, conduct which would constitute murder; kidnapping; sex offenses; assault; battery; aggravated battery; offenses against property; robbery; domestic violence; disorderly conduct; and mob action. As noted above, an applicant who has engaged in any act falling within the scope of this section which constitutes a felony will be found unsuitable for employment. An applicant who has engaged in any act falling within the scope of this section which constitutes a misdemeanor within the last three (3) years (from the date of the PHQ submission), or more than one (1) time in his or her life, will be found unsuitable for employment.

Applicant was disqualified by the OPSA based on allegations made by her aunt, [C.R.] (hereinafter “[C.R.]”). [C.R.] alleges that Applicant threatened to kill her on multiple occasions, drove by her house, and “ripped up” her mail. She also alleges that they were involved in physical altercations in the past.

Applicant appeals the decision, stating that she was “discriminated against” in her employment consideration, and based on “false allegations,” an improper decision was made against her character. Applicant asserts that “An Altercation Never Occurred” with [C.R.], and

the entire case was “falsified.”

Findings of Fact

Filings were timely.

The OPSA provided the factual basis for its decision to disqualify Applicant and remove her name from the eligibility list. It assessed that the facts presented regarding telephone threats and other acts from Applicant toward [C.R.] showed conduct indicating violent tendencies, which it determined was a violation of its hiring standards. The OPSA articulated the standard by which the conduct was assessed by section and paragraph, and articulation of the standard gives reasonable notice as to the basis for disqualification.

According to both Applicant and [C.R.], there has been a long-standing family dispute regarding property, and over the last twenty years, there has been animosity between [C.R.], Applicant and Applicant’s mother ([C.R.]’s sister). [C.R.] states that although she is Applicant’s aunt, they are only a few years apart in age, and lived in the same building for years.

[C.R.] describes Applicant as “impulsive” and “verbally aggressive,” and states that there were fights between them in the past. She alleges that Applicant made numerous threats against her, including death threats. [C.R.] states that the threats were so bad that they made her feel that Applicant might act on them, so she reported Applicant’s threats to the police on June 4, 2018. One threat included a call where Applicant allegedly told [C.R.], “when I see you I am going to fuck you [up] on sight.” A police report was generated, and the detective division conducted a follow-up interview with [C.R.], who “confirmed the facts of the case report.” [C.R.] also advised the detective that she was going to seek an Order of Protection.

When interviewed by the HR Officer assigned to the background investigation of this Applicant (hereinafter “Investigator”), [C.R.] not only confirmed the threats, but gave additional information regarding her history with Applicant. [C.R.]’s allegations against Applicant remained consistent in her interviews with the police, follow-up detective, and Investigator.

Applicant denies having an altercation with [C.R.] (or threatening her), and states that [C.R.]’s allegations are false and malicious. While Applicant admits that there is a long history of family tension, she states that contrary to [C.R.]’s assertions, she rarely saw [C.R.] when they lived in the same building. Applicant states that at that time, she was a working college student focused on her goals.

Applicant claims that she has not spoken to [C.R.] in years, as she does not have [C.R.]’s phone number, and [C.R.] does not have her number. Applicant states that they previously had an exchange on Facebook Messenger, but she now has [C.R.] blocked.

In support of her claims that [C.R.]’s allegations are false, Applicant submitted copies of Facebook messages dated June 4, 2018. In the messages, [C.R.] (whose Facebook name is allegedly “[N.M.]”) uses profanity and makes several derogatory statements toward Applicant. In return, Applicant sends [C.R.] non-threatening, profanity free responses.

Applicant concludes her Appeal by stating that she was pregnant at the time of the alleged threats and is now a proud mother who has recently obtained her MBA from Concordia University. Applicant insists that she never called or threatened [C.R.], and that she is a non-violent person serving in her community.

Conclusions of Law

Other Criminal Conduct- Conduct Indicating Violent Tendencies

Section IV. of the Bureau of Support Services Special Order 16-01 (effective November

16, 2016) contains the Pre-Employment Investigation Standards for Applicants to the Position of Police Officer (“Standards”) that are applicable to this Appeal.

Section B (7)(c) states: “Police officers are required to act reasonably and professionally at all times and to maintain control of their emotions in the exercise of their duty. These qualities are vital to a police officer’s ability to protect the public and its trust in the police. Applicants who have demonstrated a propensity for violence do not meet those requirements.”

[C.R.] describes Applicant as “impulsive” and “verbally aggressive,” and states that there were physical fights between them in the past. [C.R.] alleges that Applicant called her “repeatedly” threatening to kill her, then drove by her house. [C.R.] believed that her life was in danger and went as far as to file a police report against her niece. While Applicant denies the allegations, [C.R.]’s version of events remained consistent when questioned by the detective and Investigator.

Section B (7)(c) further states: “Any conduct demonstrating a propensity for violence will be grounds for disqualification. Conduct demonstrating a propensity for violence includes, but is not limited to, conduct which would constitute murder; kidnapping; sex offenses; assault; battery; aggravated battery; offenses against property; robbery; domestic violence; disorderly conduct; and mob action.

[C.R.]’s allegations, if true, show that Applicant has demonstrated a propensity for violence, as her conduct constitutes numerous crimes, including assault, domestic violence, stalking, and mail tampering.

Section B (7)(c) concludes by stating: “As noted above, an applicant who has engaged in any act falling within the scope of this section that constitutes a felony will be found unsuitable for employment. An applicant who has engaged in any act falling within the scope of this section

which constitutes a misdemeanor within the last three (3) years (from the date of the PHQ submission), or more than one (1) time in his or her life, will be found unsuitable for employment.”

[C.R.] has been unwavering in her allegations against Applicant and has described multiple actions that would warrant disqualification. Applicant denies [C.R.]’s allegations, and states that [C.R.]’s claims are fabricated.

Applicant stresses numerous times throughout her Appeal that “**An Altercation Never Occurred,**” and seems to believe that a physical altercation is necessary for her to be disqualified. It is not. Verbal threats rising to the level of an assault on more than one occasion are also grounds for disqualification.

Although Applicant also denies threatening [C.R.], the reason provided is that they don’t have each other’s phone number, and she doesn’t know where [C.R.] lives. More likely than not, Applicant has the ability to retrieve [C.R.]’s phone number from another family member (or other means) if she so desired. [C.R.] is familiar with Applicant’s voice and identified her as the person making the phone threats.

Applicant states that, for unknown reasons, [C.R.] became irate with Applicant while Applicant was pregnant, but Applicant didn’t “pay her no mind.” Applicant references the Facebook messages from [C.R.] dated June 4, 2018 (the date of the police report) in support. The content of the messages show that [C.R.] is clearly angry with Applicant, stating “Never needed nothing from nobody, I have more than enough bitch u already know that...,” and “I have no more time to play with your ass cause clearly u the one who needs some attention bitch.”

Applicant then replied, “Alright now that that’s cleared up-you have an amazing day and a beautiful life.” In another message, [C.R.] writes “Bitch, the same here, but if u feeling froggy

jump...cause I'm the wrong one.”

While it appears that [C.R.]’s language is more aggressive, Applicant fails to provide the entire chain of messages (which would include the messages prior to and after the ones submitted in the Appeal), which raises questions about her credibility. It appears from [C.R.]’s language that she is replying to a prior message from Applicant when she said, “I have no more time to play with your ass...cause you need attention.” In addition, [C.R.]’s message stating “if you feeling froggy, jump” appears to be a response to a threat or challenge made by Applicant.

Both Applicant and [C.R.] agree that there is family tension that has gone on for years. Assuming for the sake of argument that both sides are equally culpable for the exchange on Facebook (and the fights throughout the years), Applicant submitted the application to become a police officer, and it is her conduct that is the basis of the Appeal. Therefore, what must be examined here is whether the Department erred when determining that **Applicant’s** conduct shows a propensity for violence.

Although it is clear that the relationship between [C.R.] and Applicant is contentious, there has been no evidence presented to show that [C.R.]’s allegations are false. In fact, many of the threats alleged are extremely specific, making them more likely to be true. For example, [C.R.] notes a particular threat where, after [C.R.]’s child’s father died, Applicant told [C.R.] that she was going to “beat my ass, fuck me up, and send me to where my child’s father was.” Such a threat involving her child’s father seems unlikely to be fabricated **and reported** if, as Applicant claims, they had not spoken in “years.”

Furthermore, after reporting the threats to the initial officer and detective, [C.R.]’s story was unchanged when questioned by the Investigator eight months later. There is nothing in the Investigator’s report to indicate that he did not find [C.R.] credible, and neither the police officer

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nor the detective assigned to the case noted that they believed [C.R.]’s story to be “false” or “malicious.” In addition, Applicant has not stated that she reported [C.R.] to the police for filing a false police report, even when [C.R.]’s allegations were the basis for Applicant’s disqualification.

While Applicant’s evidence shows that [C.R.] (if she was the author) used profanity and made distasteful remarks to Applicant in her Facebook messages, this does not prove that [C.R.]’s allegations were false.

Applicant’s assertions that she did not threaten her aunt because she was a “busy woman,” had a “tight schedule,” and did not have her aunt’s phone number are not credible. In addition, Applicant fails to address the allegations that she ripped up [C.R.]’s mail and engaged in fights with [C.R.] when they lived together, other than to state that she was in college at the time and rarely saw [C.R.].

If [C.R.]’s allegation was that Applicant threatened her one time, Applicant’s conduct may have been written off as a family misunderstanding that should not be used as a basis for disqualification. However, there were numerous instances where Applicant’s conduct constituted assault, as she made multiple phone calls to [C.R.] threatening to harm her, and the calls made [C.R.] fearful for her life. Based solely on Applicant’s “multiple” phone calls to [C.R.] threatening to kill her, Applicant’s conduct demonstrated a propensity for violence, including, but not limited to assault and domestic violence. Although the facts presented indicate that the threats constituted misdemeanors, not felonies, Applicant engaged in the acts more than one (1) time in her life, making her unsuitable for employment.

In addition to the phone threats, there are allegations of stalking, mail tampering (a felony), and physical fighting that would also warrant disqualification. Section B (1) of the

Standards specifically states that an applicant may be disqualified for criminal conduct “even if the applicant was never convicted of a criminal offense,” and Section B (7)(c) states that “any conduct demonstrating a propensity for violence will be grounds for disqualification.”

Applicant has failed to show, by a preponderance of the evidence, that the decision to remove her from the Eligibility List was erroneous.

Recommendation

Based on my findings and conclusions set forth above, I recommend that the decision to remove Applicant from the list of eligible applicants for the position of probationary police officer be **affirmed**.

Respectfully submitted,

/s/ Mamie A. Alexander

Mamie Alexander
Appeals Officer

Date: July 18, 2022

POLICE BOARD DECISION

The members of the Police Board of the City of Chicago have reviewed the Appeals Officer's findings, conclusions, and recommendations.

The Police Board hereby adopts the Appeals Officer's findings, conclusions, and recommendation by a vote of 8 in favor (Ghian Foreman, Paula Wolff, Steven A. Block, Mareilé B. Cusack, Nanette Doorley, Michael Eaddy, Steve Flores, and Andrea L. Zopp) to 0 opposed.

NOW THEREFORE, IT IS HEREBY ORDERED that the decision to remove [name redacted], Applicant No. [redacted], from the list of eligible applicants for the position of probationary police officer is **affirmed**.

This decision and order are entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Steven A. Block, Mareilé B. Cusack, Nanette Doorley, Michael Eaddy, Steve Flores, and Andrea L. Zopp.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21st DAY OF JULY, 2022.

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director