

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED]) **No. 22 AA 04**
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 October 12, 2022, the Office of Public Safety Administration 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”).

Applicant appealed the disqualification decision to the Police Board by 1) filing a written request specifying why the Department of Police (hereinafter referred to as “Department”) erred in the factual determinations underlying the disqualification decision *and/or* 2) 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”).

Police Board Appeals Officer Laura Parry has reviewed the Notice and Appeal.

APPEALS OFFICER’S FINDINGS, CONCLUSIONS, AND RECOMMENDATION

Appeals Officer Laura Parry, 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.

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

Basis #1

IV-D. Disqualification Based on Prior Employment History

2. "... An applicant who has been discharged or disciplined for offenses which include any act of dishonesty, incompetence, insubordination, absenteeism, tardiness, or failure to follow regulations will be found unsuitable for employment."

Department cited the following conduct, in summary:

Applicant was terminated from two employers in 2022. One termination involved alleged conduct of insubordination for yelling at a co-worker and the other termination for calling off work within the first month of employment. (Candidate Background Investigation Update, 18 August 2022).

Basis #2

IV-D. Disqualification Based on Prior Employment History

3. "... during previous employment, has engaged in any conduct that would have violated the Chicago Police Department's Rules and Regulations had the applicant been a Chicago Police Department employee, may be found unsuitable for employment."

"Rules and Regulations of the Chicago Police Department (effective 16 Apr 2015)

V. Rules of Conduct

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

Department cited the following conduct, in summary:

Applicant, a security officer with a security company, was terminated for allegedly yelling at a co-worker after Applicant's schedule was changed. (Candidate Background Investigation Update, 18 August 2022).

Basis #3

IV-G. Disqualification Based on Indebtedness

3. ... "Regardless of the debt, an applicant who has defaulted on any loan or has an

inconsistent payment pattern may be found unsuitable for employment.”

Department cited the following conduct, in summary:

Applicant was allegedly delinquent in payment to one creditor in the amount of \$335, was in collections process initiated by another creditor in the amount of \$635, and had two accounts charged off¹ in the amounts of \$1,962 and \$440. The Investigator reported that in conversation with Applicant, Applicant claimed to be unfamiliar with a creditor and did not know the circumstances of the debt, and that in a previous interview two months prior Applicant was made aware of all the above claimed indebtedness but did not contact creditors to enter into payment plans or make other payment arrangements. (Candidate Background Investigation Update, 18 August 2022).

Basis #4

IV-G. Disqualification Based on Indebtedness

2. ... “any applicant who owes a debt to the City of Chicago at any time during the processing will be given a reasonable amount of time to clear those debts. Any applicant who owes a debt to the City of Chicago at the time of hire will be found unsuitable for employment.”

Department cited the following conduct, in summary:

Applicant owed \$484.80 in violations to the City of Chicago and had not endeavored to pay or enter into a payment plan. The violations for four speeding violations -- three in 2021 and one in 2022. (Candidate Background Investigation Update, 18 August 2022).

Basis #5

IV-H. Disqualification Based on Other Conduct

1. ... “any candidate who has engaged in conduct that exhibits a pattern of... lack of respect for authority or law... that would not by themselves lead to a finding that an applicant is unsuitable for employment, but when taken as a whole, exhibit that the applicant is not suited for employment as a police officer, will be found unsuitable for employment.”

¹ This common terminology used to describe the situation in which a creditor takes the amount that it is due and owing and unpaid by a debtor as a loss and reports it as a “charge off.”

Department cited the following conduct, in summary:

The above-described incident in which Applicant allegedly yelled at a co-worker for changing Applicant's schedule twice. Additionally, the conduct of having "hung up" on the investigator during a phone call during which the Investigator informed Applicant there was a poor employment history at issue and that Applicant needed to submit official transcripts. (Candidate Background Investigation Update, 18 August 2022).

Appeal and Response

In summary, Applicant appealed the disqualification in a letter that explained her desire to be a role model and productive member of society. In the letter Applicant pledged to prove worthiness, commitment, and accountability. Applicant explained experiences with a law enforcement internship, education, community service and faith. Applicant further explained that Applicant has learned from Applicant's mistakes, and that Applicant's past does not explain who Applicant is as a person or Applicant's work ethic. Applicant also claimed to always tell the truth, and further explained plans for payment of debt and obtaining official transcripts could be achieved within a month. (Appeal Letter dated 24 August 2022)

Department did not file a Response.

Findings of Fact

Filings were timely.

Department provided the factual basis for its decision to disqualify Applicant and remove Applicant's name from the eligibility list. It proved Applicant was terminated twice by two different employers in 2022, one of which was for yelling at a co-worker for changing Applicant's schedule twice. It proved Applicant had unpaid debts due and owing the City of

Chicago and that Applicant had four accounts with creditors that defaulted, went to collections or were charged off. It also proved Applicant hung up on the Investigator during a phone call regarding Applicant's application. Department articulated the standard by which the conduct was assessed by section and paragraph and description, giving reasonable notice as to the basis for disqualification.

Applicant did not deny the conduct that formed the basis for the disqualification. Applicant provided no additional facts regarding the specific conduct alleged, or any facts to rebut those set forth by Department.

Conclusions of Law

Pursuant to the Municipal Code of Chicago ("MCC") 2-84-035 the standard of review for appeals of disqualification and removal of an applicant's name from the Eligibility List is that Applicant shall show by a preponderance of evidence that Department's decision to remove the applicant from the Eligibility List was erroneous (MCC 2-84-035(c)). Therefore, findings and recommendations are based upon whether Applicant's appeal shows by a preponderance of the evidence that Department erred in removing Applicant's name from the Eligibility List.

Applicant did not show by a preponderance of the evidence that Department erred in the exercise of its decision to remove Applicant's name from the Eligibility List.

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/ Laura Parry, Esq.
Appeals Officer

Date: December 5, 2022

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

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 7 in favor (Ghian Foreman, Paula Wolff, Steven A. Block, Mareilé B. Cusack, Nanette Doorley, Michael Eaddy, and Jorge Montes) 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, and Jorge Montes.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15th DAY OF DECEMBER, 2022.

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director