

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 22 AA 09**  
**APPLICANT FOR THE POSITION OF** )  
**PROBATIONARY POLICE OFFICER,** )  
**CITY OF CHICAGO.** )

**FINDINGS AND DECISION**

[Name redacted] (hereinafter referred to interchangeably as “Applicant” and/or “Candidate”) applied for a probationary police officer position with the City of Chicago. In a letter dated October 16, 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”).

On November 29, 2022, Applicant [name redacted] appealed the above-referenced disqualification decision to the Police Board by filing a written request specifying why the Department of Police erred in the factual determinations underlying the disqualification decision.

The Chicago Police Department did not file a response, and accordingly, there was no reply filed by the Applicant.

**APPEALS OFFICER’S FINDINGS, CONCLUSIONS, AND RECOMMENDATION**

Appeals Officer Brian Porter, 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. The Chicago Police Department did not file a response, and accordingly, there was

no reply filed by the Applicant.

### **Chicago Police Department's Disqualification Decision**

According to the Notice, Applicant was removed from the list of eligible applicants for the position of probationary police officer for the following two (2) reasons under the Bureau of Organization Development's ("BOOD") Special Order No. 18-01 as follows:

#### *Basis #1:*

##### Section IV ¶ D. Disqualification Based on Prior Employment History

1. Police officers are required to work well with other officers, public officials, and members of the public, as well as maintain a professional work ethic. Further, a police officer's ability and willingness to obey orders is critical to the proper functioning and administration of the Chicago Police Department, which in turn is vital to the Chicago Police Department's ability to protect the public. A steady employment history is an indication that, among other things, an applicant has the ability to work well with others; follow workplace rules; perform his or her work to acceptable standards; and come to work on time and on a regular basis.

Specifically, on July 18, 2022, background Investigator Keith A. Hill of the Human Resources Division of the Chicago Office of Public Safety Administration prepared a Candidate Background Investigation Summary. Said report indicates that during the course of the investigation, it was determined that Applicant Howard:

*While working for Monterrey Security, candidate found out she was pregnant and was in a verbal altercation with her supervisor who gave her a direct order which she refused and was terminated for insubordination.*

*While working for G4S candidate stated she had a previous written reprimand for failure to call off within the designated four hour period. The candidate stated she was terminated for a second violation later.*

*While working for Tactical Security candidate stated that her relief had not arrived at the scheduled shift change time. Candidate stated she locked doors and left the building after manager left. The candidate did not inform her supervisor and was terminated for abandoning her post.*

#### *Basis #2:*

Investigator Hill's report provided a second basis for disqualification as follows

Section IV ¶ G. Disqualification Based on Indebtedness

1. Police officers are occasionally required to handle significant amounts of currency in the execution of their duties. Further, police officers with significant indebtedness are considered particularly susceptible to corruption and coercion. Therefore, any applicant who has current personal debts not related to a business, mortgage loans, student loans or auto loans, the total of which is in excess of fifty percent (50%) of the annual starting salary of a Chicago Police Officer at the time of application, or at any point during the hiring process, will be found unsuitable for employment. Regardless of the source of debt, an applicant who has defaulted on any loan or has an inconsistent payment pattern may be found unsuitable for employment.

Investigator Hill's report states that "the candidate has two credit accounts in collections. Verizon and Portfolio".

**Applicant [name redacted] Appeal**

In her appeal, Applicant Howard states in pertinent part as follows:

*I do not have the best work history and I can't say that I always did my best. ... I'm not the perfect candidate due to my work ethic and financial debt. ...*

*While working at G4S I was terminated for not calling off within four hour time period even after written and verbal warning. I worked at the bank and my clock in time was 7:45am and end time 5:15pm. At the time I had a child going to Chicago public school and one going to daycare center with a lack of support when things came up like emergency room visits daycare opening later than needed or just unfortunate life situations. It was impossible to predict if something would go wrong 4 hours before my shift but that's no excuse. ...*

*Second termination was at tactical security because it was said that I abandoned post and I didn't. I completed the entire shift. I had started at 8am and was due to end at 3pm, my relief had not shown up and I was mandated to stay over until the last associate of the site left. I walked the entire center checking for anyone still on premises and no one was there so I locked up the center and left for the night. ... No investigation of the camera system to show I had done my job, nothing.*

*Third termination was at Monterrey security due to misconduct. I was at a Wic store doing my first day of training ... It was 6-8 security officers there, 3 whom was also training. ... While standing posted the site supervisor told me that he wanted me to walk around more and I was. I had just stood still because a customer was shopping and there were already 5 of us plus a cashier in the small space.*

*Personally I didn't want the customer to feel uncomfortable so I took a stand in the middle while the others were in each corner of the store. I don't know why I was picked out of the others to be addressed, but I didn't take to kindly to it. I told the site supervisor of the store that I was doing my job and the reason I was at a standstill. I believe my tone was too high and I came off as argumentative. Once the site supervisor walked off from me I was told to take my break. I went into the break room called a friend and begin to tell her what happened with frustration and anger using profanity. ... My security supervisor arrived at the end of my shift to let me know he had got the call stating that I was using profanity in the break room and I was told that was inappropriate behavior. I was told I would be given a call on when I could return back to training but instead I was terminated. I told Chicago police department background investigator that I believe me being pregnant and hormonal caused me to overreact in the break room on the phone.*

*Finally, the second reason for my disqualification is due to my debt. I explained earlier that I've been on my own since 16 and I made a lot of stupid financial decisions that I need to fix and I plan on doing so once I find steady employment. ... I am no thief. I do not want to join the department to do ill things to pay off those debts. ... I'm asking for another chance.*

### **Findings of Fact**

In the instant appeal, neither party provided any supplementary documentation of the matters discussed above, such as witness statements, account balances, or payment histories. Thus the independent finder of fact is left to discern what is more likely true than not by weighing Investigator Hill's written report against Applicant [name redacted] written responses in the form of her appeal. In performing this balance between the parties' positions, the weight favors the Chicago Police Department's disqualification.

In response to CPD's Basis #1, Applicant admits to issues in her work history, and essentially requests a second chance. In reality, was given three (3) chances with different security companies, and failed to perform sufficiently each time. Moreover, what is particularly alarming is that Candidate Howard admits that in the third such security job, she was terminated for insubordination and profanity on her very first day on the job. It is also concerning that these were not jobs in retail, or as a delivery person, but in the capacity as a security officer, which is often a

stepping-stone to demonstrate one's ability to possibly perform as a police officer.

CPD failed to provide sufficient information to sustain its' Basis #2. The BOOD Special Order No. 18-01 provides either a 50% threshold of annual starting salary for analyzing debt, or allows that an applicant **may** be found unsuitable for employment if he/she has defaulted on a loan. The standard does not mandate that an applicant **will** be found unsuitable for employment if he/she has defaulted on a loan, and without the City providing any numerical data on the amount of Applicant [name redacted] debt, the City fails to sustain its Basis #2.

### **Conclusions of Law**

Applicant [name redacted] failed to meet her burden of proof of showing by a preponderance of the evidence that her removal from the Eligibility List was in error, and failed to show a preponderance of the evidence that said removal was not in compliance with a disqualification under the Bureau of Organization Development Special Order No. 18-01 on the following basis: Section II ¶ D. Disqualification Based on Prior Employment History.

The City failed to sustain its burden of proof of showing by a preponderance of the evidence that Applicant [name redacted] removal from the Eligibility List was warranted under Section IV ¶ G. Disqualification Based on Indebtedness.

### **Recommendation**

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

Respectfully submitted,

/s/ Brian R. Porter

Brian R. Porter / Appeals Officer

Date: 02/07/2023

**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 6 in favor (Ghian Foreman, Paula Wolff, Steven A. Block, Mareilé B. Cusack, Nanette Doorley, and Jorge Montes) to 0 opposed.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the decision to remove [name 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, and Jorge Montes.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 16<sup>th</sup> DAY OF MARCH, 2023.

Attested by:

/s/ GHIAN FOREMAN  
President

/s/ MAX A. CAPRONI  
Executive Director