

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 23 AA 26**  
**APPLICANT FOR THE POSITION OF** )  
**PROBATIONARY POLICE OFFICER,** ) **(Taleo 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 July 10, 2023, 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 July 25, 2023, Applicant appealed this disqualification decision to the Police Board by filing a written request specifying why the Department of Police (“Department”) 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”).

On September 5, 2023, the Office of Public Safety Administration filed with the Police Board a copy of the Notice and its response to Applicant’s Appeal (“Response”). Applicant did not file a Reply. Police Board Appeals Officer Mamie Alexander has reviewed the Notice, Appeal, and Response.

**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, and the Response was filed within the time period allowed by the Police Board Rules of Procedure.

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

IV. Pre-employment Investigation Standards for Applicants to the Position of Police Officer

#### **D. Disqualification Based on Prior Employment History**

1. Police Officers are required to work well with others, public officials, and members of the public, as well as maintained a professional work ethic. Further, a police officer's ability and willingness to obey orders and 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.<sup>1</sup>
2. A poor employment history will result in disqualification for the position of Police Officer. 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.
3. Further, an applicant who, 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. In addition, an applicant with a history of sporadic employment, evidenced by frequent changes in employment of short duration, may be found unsuitable for employment.

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<sup>1</sup> Section D(1) reflects the language contained in Department's Standards.

Applicant was disqualified by Department based upon a review of his personnel file at the Glen Ellyn Police Department (“GEPD”), where he worked as a police officer from July 2022 through November, 2022. Applicant’s file contained the following information:

1. On August 28, 2022, GEPD personnel detected an order of alcohol on Applicant’s breath while on duty. A disciplinary hearing was conducted, and Applicant was issued an 8-hour suspension.
2. On October 15, 2022, it was discovered that Applicant’s service firearm did not have a round in the chamber, in violation of GEPD’s rules and regulations.
3. On October 25, 2022, Applicant failed to put his patrol vehicle in park while conducting a traffic stop, and crashed into the vehicle that was being curbed, causing injury to the driver. A lawsuit was expected as a result.
4. Applicant failed to qualify with his service firearm after several attempts and had to receive additional training.
5. On October 28, 2022, a staff memo stated that Applicant “does not perform at a high enough standard” to be a successful officer in the department and recommended that he be released from employment. As a result, Applicant resigned his position with the GEPD on November 1, 2022.

Department also disqualified Applicant based on his employment history with the Chicago Police Department. Applicant’s CPD Employee Complaint History (within the Bureau of Internal Affairs) includes one “Pending” case and one “Not Sustained” Case.

### **Appeal and Response**

Applicant appeals the decision, stating that he worked for the CPD for over four years prior to working for the GEPD, and had a clean work record. He states that although he received a “couple of CR numbers” over the years, they just “come with the job.” He states that all of his performance reviews from the CPD were good, and he got along well with his colleagues.

Applicant explains that he voluntarily left the CPD to work at the GEPD in July, 2022. He states that things were quite different at the GEPD, and they were very strict. He provides explanations for each of the incidents listed, and states that overall, they were very minor.

Applicant believes that he was singled out due to his past position with the CPD because “most suburban police departments” try to make an example out of former CPD officers. Applicant states that the GEPD has an “extremely high above normal turnover rate,” and terminates “almost everyone that they hire.”

Applicant shares that he currently works as a State Police Officer with Governor’s State University, and is also finishing his MS in Criminal Justice, where he expects to graduate with honors in February, 2024. Applicant stresses that he deserves a second chance to work for the city that he loves.

Department’s Response states that the appeal was reviewed, and Department relies upon the facts and evidence relating to the disqualification contained in Applicant’s file. Department maintains that the Pre-Employment Disqualification Standard under which Applicant’s disqualification decision was based upon is clear (namely, Disqualification Based on Prior Employment History). Department states that the evidence in Applicant’s file supports its decision to disqualify Applicant from hiring, and the Department is within its right to do so, citing *Apostolov v. Johnson*, 2018 IL App (1<sup>st</sup>) 173084; ¶¶ 24, 31 and *Johnson v. O’Connor*, 2018 IL App (1<sup>st</sup>) 171930, ¶¶ 16-17, 20.

### **Findings of Fact**

Filings were timely.

Department provided the factual basis for its decision to disqualify Applicant and remove his name from the Eligibility List. It assessed that Applicant’s Prior Employment History with the GEPD and CPD show a poor employment history and an inability to follow regulations, making him unsuitable for employment. Department 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.

Applicant denies that his prior employment history contains conduct that should disqualify him from employment. He states that he had a clean work record with the CPD, and that the Complaints against him were typical. Applicant also asserts that each of the incidents listed by GEPD were minor and provides additional details to explain his actions. He states that when he reported to work at the GEPD on August 28, 2022, he was unaware that his breath smelled like alcohol. He explains that he attended his ten-year class reunion the night before and slept at his mother's house. He states that he must not have brushed his teeth well enough. Applicant denies being intoxicated, and states that after his field training officer advised him during roll call that two officers reported that Applicant's breath smelled like alcohol, he decided to use a sick day and go home.

In response to having no round in the chamber on October 15, Applicant states that it was an "honest mistake." He says that he usually makes sure that he has a round in the chamber when he is done shooting at the gun range.

Applicant also maintains that his October 25, 2022 car accident was a minor mistake. He explains that when he exited his vehicle following a traffic stop, he believed that his car was in park when it was actually in neutral. He states that once he realized the vehicle was moving, he jumped back inside and tried to press the brake but pressed the gas instead. As a result, he rear-ended the vehicle. Applicant is adamant that the driver of the vehicle was **not** injured, refused all medical attention, and drove his vehicle away from the scene.

Applicant shares that around the time of the accident, his grandfather was ill, and Applicant and his mother traveled back and forth to Memphis, TN to see him. He states that his grandfather was his best friend, and ultimately died right before Thanksgiving. Applicant states

that his grandfather's illness negatively affected his work performance.

Applicant stresses that the GEPD had high standards when it came to qualifying with weapons, and as a result, he required extra practice. He states that it is perfectly normal for some officers to need extra practice. He believes that he was singled out based on his prior position with CPD and walked "on eggshells" as a result. Applicant states that following a negative review from GEPD, on November 1, 2022, he was called into the office of his GEPD supervisor and given the choice to voluntarily resign, which he accepted.

#### Current Employment and Education

Applicant states that he currently works as a State Police Officer with Governor's State University Department of Public Safety. He is also finishing his Master of Science in Criminal Justice with a Cyber Crimes specialization. His projected graduation date is February, 2024, and he has a GPA of 3.64. He expects to graduate with "honors summa cum laude." Applicant states that Department's background report "makes what happened seem worse than it actually is."

#### **Conclusions of Law**

Section IV. of the Bureau of Support Services Special Order contains the Pre-Employment Investigation Standards for Applicants to the Position of Police Officer ("Standards") that are applicable to this Appeal.

Section D(2) states: "A poor employment history may result in disqualification for the position of Police Officer. An applicant who has been discharged or disciplined for offenses which include any act of dishonesty, incompetence, insubordination, excessive absenteeism or tardiness, or failure to follow regulations may be found unsuitable for employment."

Applicant's employment history revealed that he worked for the GEPD for less than four months. In that brief time, Applicant reported to work smelling like alcohol, failed to leave a

round in the chamber, and failed to meet the minimum firearm qualifications. In addition, after failing to put his patrol car in park, Applicant crashed into a vehicle during a traffic stop.

GEPD reported that Applicant continued to struggle during his employ, and “did not perform at a high enough standard” to be successful as an officer at the GEPD. GEPD also found Applicant to be a “liability to himself, his co-workers, and the public.” After GEPD recommended that Applicant be released from employment, he voluntarily resigned.

Furthermore, Applicant’s employment history with the CPD contained two Complaints within the Bureau of Internal Affairs-one Pending and one Not Sustained. Interestingly, the “Not Sustained” Complaint in June, 2022 was for “Alcohol Abuse Possession/Use.” The contents of the second Complaint are unknown.

Section D (3) states: “an applicant who, 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. In addition, an applicant with a history of sporadic employment, evidenced by frequent changes in employment of short duration, may be found unsuitable for employment.”

Applicant’s on duty car accident, failure to have a round in the chamber, and inability to qualify with his service firearm could all be considered conduct that violates CPD rules and regulations. In addition, presenting to work with alcohol on his breath also could violate CPD regulations, particularly with a previous Complaint regarding alcohol possession/use.

In his Appeal, Applicant does not deny the incidents contained in his employment history, nor does he deny that his conduct violated Department’s Standards. Instead, Applicant states that the GEPD is strict, and that the incidents were minor. Applicant argues that at the GEPD you can get into trouble for the smallest things, and that he made honest mistakes that

were unfairly used against him.

Applicant also dismisses the Complaints filed against him with the Bureau of Internal Affairs while he was employed by CPD, stating that he doesn't know "any officer who hasn't" received a Complaint, and that they just "come with the job." Applicant provides no background or details concerning either Complaint in his Appeal.

No additional facts, evidence or arguments were submitted in Applicant's Appeal that support his contention that Department erred in its determination that he has a poor employment history.

Even if what Applicant presented in his Appeal could be construed as a denial, in considering and weighing the grounds for disqualification that were presented, Applicant has failed to show, by a preponderance of the evidence, that the decision to remove him 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*

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Mamie Alexander  
Appeals Officer

Date: December 14, 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 9 in favor (Kyle Cooper, Paula Wolff, Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, Michael Eaddy, Ghian Foreman, and Andreas Safakas) 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: Kyle Cooper, Paula Wolff, Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, Michael Eaddy, Ghian Foreman, and Andreas Safakas.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21<sup>ST</sup> DAY OF DECEMBER, 2023.

Attested by:

/s/ GHIAN FOREMAN  
President

/s/ MAX A. CAPRONI  
Executive Director