

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 24 AA 09**  
**APPLICANT FOR THE POSITION OF** )  
**PROBATIONARY POLICE OFFICER,** ) **(Applicant No. [redacted])**  
**CITY OF CHICAGO.** )

**FINDINGS AND DECISION**

[Name redacted] (hereinafter “Applicant”) applied for a probationary police officer position with the City of Chicago. In a letter dated December 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 and the process for appeal. In support of its decision, Department attached the Completed Background Investigation Update (“Background Investigation Report”) in which Department alleged conduct that formed the bases of Disqualification(s) Based on Criminal Conduct - Other Criminal Conduct - Conduct Indicating Violent Tendencies; Prior Employment History; and Indebtedness (Collectively, “Notice”).

In a letter dated January 30, 2024, sent with attachments, Applicant appealed the disqualification decision to the Police Board by filing a written request seeking to 1) specify why the Department of Police (hereinafter referred to as “Department”) erred in the factual determinations underlying the disqualification decision *and/or* 2) bring to the Police Board’s (“Board”) 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”). Department filed a Response March 21, 2024. Reply was filed April 24, 2024.

Police Board Appeals Officer Laura Parry reviewed the Notice, Appeal, Response and Reply.

## **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 PARTIES**

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-B. Disqualification Based on Criminal Conduct, as cited by Department:

##### 7. Other Criminal Conduct

##### c) Conduct Indicating Violent Tendencies.

Police officers are required to act reasonably and professionally at all times and to maintain control over 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. Therefore, 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 that constitutes a felony will be found unsuitable for employment. An applicant who engaged in any act falling within the scope of this sections that constitutes a misdemeanor within the last three (3) years (from the date of PHQ submission), or more than one (1) time in his or her life, will be found unsuitable for employment. (Background Investigation Report, p. 1-2)

Department cited the following conduct, in summary:

Using the CLEAR (Citizen Law Enforcement Analysis Reporting) and CHRIS (Criminal History Records Information Sharing) databases, Investigator found Applicant was listed as a suspect in three police reports for domestic violence, and involved in eight domestic disturbance calls made to 9-1-1 (which include the three incidents in which a police report was filed) made by his girlfriend (who later became his wife) between 2011-2012 and two on New Year's Day of 2018. The calls are listed below:

May 05, 2010 – Girlfriend stated boyfriend was drinking and refused to leave.

May 06, 2010 – Girlfriend stated boyfriend “causing a ruckus.”

July 24, 2010 – Girlfriend stated boyfriend threatening her – no answer for call back.

December 16, 2010 – Girlfriend stated ex-boyfriend was inside and being “unruly.”

September 29, 2011 – Girlfriend “having trouble with the boyfriend this morning.” This resulted in a case report being filed (HT 519259) naming Applicant as the offender/suspect. The report noted the alleged victim claimed Applicant, who had left the scene, pulled shoes off the alleged victim’s sons and when she pleaded to leave the shoes on, Applicant pushed her in the face with his hand, causing a laceration on the inside of her lip, for which she refused medical treatment.

October 03, 2011 – Violation of Order of Protection, girlfriend stated ex-boyfriend still there, even though she received the Order that day, and was not sure whether the ex-boyfriend had been served. This resulted in a case report being filed (HT 526465) for Non-Criminal Subject Notification Order of Protection when responding officers (“R/Os”) arrived at the location and advised Applicant of the Order. Applicant stated he was unaware of the Order until the R/Os served him. Order expired October 24, 2011.

January 01, 2018 – Two calls – One at 5:44 a.m. and the second at 8:45 a.m. The wife reported a dispute with her husband, both parties “drinking” and both licensed gun owners. The second call alleged the husband shoved the wife against the hallway wall, causing her to lose balance and fall, and that the alleged victim is in process of separation from the husband, a Cook County Sheriff and owner of four firearms, and feared he would become more violent, so she requested the incident be documented. This resulted in a case report being filed (JB 100384) naming Applicant as the offender/suspect, reporting the above, and noting Applicant left prior to R/Os’ arrival.

(Background Investigation Report, p. 2-3)

**Basis #2**

**IV-D. Disqualification Based on Prior Employment History**

...

2. 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, 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.” (Background Investigation Report, p. 3-4)

Department alleged that below conduct would have been in violation of one or more of the following CPD Rules and Regulations:

Rule #5: Failure to perform any duty;

Rule #10: Inattention to duty;

Rule #11: Incompetency or inefficiency in the performance of duty.

Rule #30: Leaving duty assignment without being properly reli[e]ved or without proper authorization.

(Background Investigation Report, p. 3-4).

Department cited the following conduct and/or alleged conduct, in summary:

Applicant received one three-day and one 10-day suspension, each of which were reduced to a written reprimand. There was an additional response expected but not received for an Office of Professional Responsibility case OPR 2019-0221 (open case) as of the date of the Background Investigation Report was submitted. Investigator requested the investigation reports twice.

One recommended suspension related to a March 7, 2020 incident. In case DAF2020-0929 it was reported the video monitoring system showed Applicant leaving his post without proper backup, and that during the time he was gone an inmate was injured but did not receive medical attention or housing reassignment until the following day because it was not documented by Applicant during his tour of duty. It was reported that Applicant's failures incurred many hours of investigation and review of the conduct. It was alleged Applicant was in violation of the Cook County Sheriff's Office rules and regulations 1400.3 Major Cause – More Serious Misconduct in

that it is alleged Applicant's conduct as a Correctional Officer was negligent, resulting in injury to another member, inmate or other person, and Desertion of Post. It was also alleged Applicant violated Conduct Policy 101.5.5 Performance standards for unsatisfactory work performance, including but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignment(s) or instructions of supervisors; and committing acts that jeopardize the security of facilities; health, safety and welfare of subjects and failure or refusal to properly perform functions and duties. Additionally, Applicant did not disclose the incident on his PHQ or in his background investigation interview.

In case DAF2023-3504, it was alleged Applicant refused to work a mandate to work the 7:00 a.m.-to-3:00 p.m. shift, mandated due to a staffing necessity, and instead left at the end of his regular shift at 5:00 a.m. This occurred September 26, 2023. This was alleged to amount to the conduct of Refusing Mandatory Mandation.

Applicant disclosed on the PHQ at Q#34 and Q#36 that he received a written reprimand for tardiness on October 21, 2022 when he appeared a little over an hour late for duty, explaining there was a mix-up with his reassignment paperwork and that he successfully appealed the reprimand (but stated that he also had no documents to this effect). No other discipline was disclosed.

It was reported Applicant further stated that he had never received reprimands from any job.

(Background Investigation Report, p. 3-6).

**Basis #3**

**IV-G. Disqualification Based on Indebtedness**

...

2. Any applicant who owes a debt to the City of Chicago at any time during 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. (Background Investigation Report, p. 6).

It was alleged Applicant has outstanding traffic/parking tickets in the amount of \$305 as of

the date of the submission of the Background Investigation Report.

(Background Investigation Report, p.6).

The PHQ was submitted March 8, 2023.

**Appeal, Response and Reply**

The following is a summary.

**Appeal.** Applicant opened by expressing disheartenment and asserting the disqualification for violent tendencies does not reflect his qualifications, character, temperament and commitment to serving and protecting the community, while also expressing his respect for the process, generally.

Applicant asserted that some of the 9-1-1 calls regarding domestic disturbances were initiated by him. To support his claims, he attached a copy of his criminal record from the State of Illinois which Applicant asserted show only two records – an incident related to a suspended driver’s license and a juvenile incident – that were “rectified” over a decade ago. Applicant explained that he and his wife (the alleged victim) have been legally separated since 2018 and are engaged in ongoing divorce proceedings, the settlement of which they are awaiting. Applicant stated that they have both moved on and are co-parenting. Applicant disagreed with the statements made about his behavior in the disqualification and felt he was “falsely incriminated of having an antagonizing demeanor.”

As to his prior employment, Applicant addressed the Refusal of Shift Mandate from September 26, 2023; the March 7, 2020 Failure to Protect written reprimand (signed October 27, 2020); and the Tardiness from October 21, 2022.

**Refusal of Shift Mandate.** Applicant explained this is an open case and he is awaiting an arbitration hearing regarding facts presented as to policy and his seniority.

**Failure to Protect.** Applicant asserted this was reduced to a written reprimand from a 10-day

suspension after he provided additional evidence. Applicant explained they were short-staffed and that he did properly notify his cross partner that he needed a restroom break and that at the time there was a detainee-officer ration of 24:1, not the Illinois Jail Standards ration of 15:1. He asserted he was told that the incident would not be on his record after a year, and that this incident occurred two years prior to his application to the Department. Applicant wrote that he did not disclose the incident on the PHQ or to the background Investigator because he was not aware that it was still on his employment record. He has since been researching about how long written reprimands are to stay on an employment record.

Tardiness. Applicant explained he was told to finish out the work detail at his then current post, but in the meantime his employee information was forwarded to his then new shift commander who was not notified of Applicant's request for an hour of time off at the beginning of the shift. Applicant wrote that "all consequences were dismissed."

Indebtedness. Lastly, as to Disqualification Based on Indebtedness, Applicant asserted that the \$305.00 was paid on January 12, 2024 (providing a receipt with the Appeal).

(Appeal and attachments)

**Response.** Response was dated March 21, 2024. There was not file stamp received date indicated on the Appeal. Date on the Appeal letter was January 30, 2024, making the Response filed 51 days thereafter.

**Reply.** Reply was dated April 25, 2024, making the Reply filed 35 days after the Response.

### **FINDINGS OF FACT**

The Appeal was timely filed.

Response and Reply were NOT timely filed, and therefore Response and the subsequent Reply were NOT considered by the Appeals Officer. The Response should have been filed on or about

March 15, 2024, but was not authored until March 21, 2024. Reply should have been filed on or about April 20, 2024, but was not authored until April 25, 2024.

Department provided its factual basis for the decision to disqualify Applicant and remove Applicant's name from the eligibility list for which Applicant was given the opportunity to file a written appeal specifying why the Department erred in the factual determinations underlying the Department's decision *and/or* provide additional facts directly related to the bases for disqualification.

Findings as to Conduct Indicating Violent Tendencies.

There are many reasons there may have been no arrests or convictions for the conduct described in the reports and 9-1-1 calls. The lack of an arrest or conviction does not dictate a finding the conduct did not occur. It is only part of what is considered in determining whether conduct occurred with an admission or conviction serving as *prima facie* evidence of conduct. Even though Applicant claimed to have made some of those 9-1-1 calls, the narrative of the calls all indicated that the then girlfriend/wife made the calls. Applicant also did not deny the conduct in the calls or reports.

It is more likely than not, Applicant engaged in the conduct described in the 9-1-1 calls and police case reports described herein.

By a preponderance of the evidence, **Applicant DID NOT** provide sufficient additional facts directly related to and/or did adequately specify why the Department erred in its factual determinations as to the bases presented as to the conduct that provided the bases for disqualification under Conduct Indicating Violent Tendencies.

Findings as to Conduct in Prior Employment History.

Applicant was not disqualified for omitting portions of his prior discipline history, although



he clearly did omit information required to be included, explaining that he did not think it would be on his record anymore. This was not considered as a basis for disqualification as it was not cited as one but was included in the Background Investigation Report.

Tardiness. Applicant described the conditions under which he received a written reprimand for tardiness. It appears there was actual and reasonable belief he was to report after the first hour he requested as time off. More likely than not, Applicant was not tardy for the shift because he reasonably believed he was reporting at the correct time.

Refusal of Shift Mandate. Applicant has an open case pending for which he states the issues being considered are his seniority and policy and procedures for the shift mandate. Nonetheless, Applicant did not address why he refused the shift and left, instead of staying and grieving the mandate. He did not deny the conduct occurred. It is more likely than not, the conduct occurred.

Failure to Protect. Applicant did not deny the conduct of leaving his post. He explained that he properly let his partner know he was taking a restroom break. It was shown on video that he left his post. During his absence an inmate was injured and left without medical attention until the next day. Applicant did not know and/or did not report this during his tour of duty. He did not explain why he did not discover or report the injury. He received discipline that was reduced from a 10-day suspension to a written reprimand. It is more likely than not Applicant engaged in the conduct described and did not properly notify his partner.

By a preponderance of the evidence, **Applicant DID NOT** provide sufficient additional facts directly related to and/or did adequately specify why the Department erred in its factual determinations as to the bases presented as to the conduct that provided the bases for Disqualification Based on Prior Employment History, EXCEPT as to tardiness.

Findings as to Indebtedness.

Applicant provided evidence he paid the \$305 due the City of Chicago.

By a preponderance of the evidence, **Applicant DID** provide sufficient additional facts directly related to and/or did adequately specify why the Department erred in its factual determinations as to Indebtedness.

### **CONCLUSIONS OF LAW**

Pursuant to the Municipal Code of Chicago ("MCC") 2-84-030 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)).

Pursuant to Rule VII.E. of the Rules of Procedure Appeals by Applicants to the Chicago Police Department (herein "Applicant Appeals Rules"), established pursuant of MCC 2-84-035 (dtd. 18 February 2021), a Response may be filed within 45 days from the date of receipt of the Appeal pursuant to Municipal Code of the City of Chicago ("MCC"). As there is no date of receipt stamped anywhere on the Appeal letter, the only date by which to make the determination of whether it was timely filed was the date of the Appeal letter itself compared to that of the date listed on the Response. The Response was filed six days after it was due. Applicant Appeals Rules Rule F. provides for the opportunity to file a Reply within 30 days of the Response. Reply was filed five days after it was due based upon the only dates that appear on the filings. This is why neither the Response or Reply were considered by the Appeals Officer.

Based upon the applicable MCC and Applicant Appeal Rules Applicant **DID NOT** show by a preponderance of the evidence that Department **erred** in its decision to the remove Applicant's name from the Eligibility List for the reasons stated herein.

**RECOMMENDATION**

Based on the findings and conclusions set forth above, it is recommended that the decision to remove Applicant from the list of eligible applicants for the position of probationary police officer be **AFFIRMED**.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Laura Parry", is written over a horizontal line.

Laura Parry, Esq.  
Appeals Officer

Date: June 11<sup>th</sup>, 2024

**POLICE BOARD DECISION**

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

The Police Board hereby adopts the Appeals Officer’s findings, conclusions, and recommendation by a vote of 8 in favor (Kyle Cooper, Paula Wolff, Steven Block, Mareilé Cusack, Nanette Doorley, Kathryn Liss, Andreas Safakas, and Justin Terry) 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, Mareilé Cusack, Nanette Doorley, Kathryn Liss, Andreas Safakas, and Justin Terry.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18<sup>th</sup> DAY OF JULY 2024.

Attested by:

/s/ KYLE COOPER  
President

/s/ MAX A. CAPRONI  
Executive Director