

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 24 AA 11**  
**APPLICANT FOR THE POSITION OF** )  
**POLICE OFFICER,** ) **(Candidate No. [redacted])**  
**CITY OF CHICAGO.** )

**FINDINGS AND DECISION**

[Name redacted] (hereinafter referred to as “Applicant”) applied for a police officer position with the City of Chicago. In a letter dated December 10, 2023, 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 February 7, 2024, Applicant appealed this disqualification decision to the Police Board by filing a transcript and accompanying exhibits specifying why 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”).

On March 21, 2024, OPSA 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 the Notice, Applicant was removed from the Eligibility List for the following reasons:

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

### **B. Disqualification Based on Criminal Conduct**

1. One purpose of the pre-employment investigation is to determine whether the applicant has engaged in criminal conduct. This is important because the police hold a unique position of public trust and are tasked with protecting the public and enforcing the law. Even more than other City employees, Chicago Police Department officers are specifically tasked with and sworn to uphold the law. Therefore, an applicant may be disqualified from consideration for a police officer position if there is evidence that the applicant has engaged in criminal conduct, even if the applicant was never convicted of any criminal offense. Applicants with a history of criminal conduct that falls within the Department's disqualification standards are deemed unable to protect the public and its trust in the police. It is the conduct itself, not the fact that the applicant was convicted, that makes the applicant unsuitable for employment.
2. There are various types of proof which indicate criminal conduct, including a record of conviction or an admission that indicates the applicant engaged in criminal activities. A record of conviction or an admission will be prima facie evidence that the applicant engaged in criminal conduct.
3. Unlike a record of conviction or an admission, an arrest record merely indicates an allegation of criminal conduct and must be investigated further in order to be the basis for disqualification. When investigating an arrest record, the Investigator must, to the extent reasonably possible, secure evidence, including but not limited to statements obtained from interviews with police officers, victims and witnesses, which will be used to determine whether the applicant engaged in disqualifying criminal conduct.
4. In describing examples of disqualifying conduct, these Standards may refer to the Illinois Compiled Statutes. The references to the Illinois Compiled Statutes are descriptive only. Any similar federal offense, military offense or offense in any other jurisdiction within the United States (state or local) or any foreign jurisdiction may

serve as a basis for disqualification.

5. The Standards are as comprehensive as possible; however as noted above, they cannot encompass every possible scenario. Failure to enumerate any particular offense does not exclude such offense from being the basis for disqualification. Commission of any criminal or quasi-criminal act may result in disqualification from employment as a Police Officer if it is determined that the acts or omissions of the application make him or her unsuitable for the position of Police Officer.

#### 6. Felonies

An applicant who has engaged in any conduct which would constitute a felony is not eligible for employment.

### **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 has engaged in any act falling within the scope of this section 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.

#### **(d) Conduct Involving the Unlawful Use of Weapons**

Police officers are generally required to possess and occasionally use weapons in the exercise of their duties. An applicant's prior unlawful use of a weapon demonstrates his or her inability to handle weapons judiciously, a vital requirement necessary to protect the public and its trust in the police. Therefore, any conduct involving the unlawful use of weapons will be grounds for disqualification. Conduct involving the unlawful use of weapons includes but is not limited to, conduct which would constitute the knowing sale, manufacture, purchase possession, carrying or use of a prohibited weapon, ammunition, enhancements, or projectiles; the discharge of any weapon in a prohibited

manner; or gunrunning. 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 that constitutes a misdemeanor within the last 3 years (from the date of PHQ Submission), or more than (1) time in his or her life, will be found unsuitable for employment.

Applicant was disqualified by OPSA for criminal conduct, conduct indicating violent tendencies, and conduct involving the unlawful use of weapons based on a 2021 Chicago Police Department (“CPD”) incident report naming Applicant as a suspect in an aggravated assault and domestic battery. The report was made following an alleged incident between Applicant and another woman who was dating the same man. Applicant was accused of punching the woman in the face, following her in her vehicle, sideswiping the vehicle, and flashing a handgun at the woman.

### **Appeal and Response**

Applicant appeals the decision by submitting a sworn transcript, along with a video of her testimony related to the police report and allegations made by the named victim, [Name redacted] (“[Name redacted]”). Applicant denies being in an altercation with [Name redacted] and testifies that she was never questioned or arrested by the police regarding this incident. Applicant claims that she was unaware of the police report until she was questioned by the Reporting Investigator (“R/I”) in relation to her CPD application. Applicant shares that she has always wanted to be a Chicago police officer and took all of the necessary steps to prepare for the position.

OPSA’s Response states that the appeal was reviewed, and OPSA relies upon the facts and evidence relating to the disqualification contained in Applicant’s file. OPSA maintains that the pre-employment disqualification standards under which Applicant’s disqualification decision were based upon are clear (namely, Disqualification based on Criminal Conduct, Conduct

Indicating Violent Tendencies, and Conduct Involving the Unlawful Use of Weapons). OPSA states that the evidence in Applicant's file supports its decision to disqualify Applicant from hiring, and OPSA 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.

OPSA provided the factual basis for its decision to disqualify Applicant and remove her name from the eligibility list. It determined that Applicant's criminal conduct, conduct indicating violent tendencies, and conduct involving the unlawful use of weapons were grounds for disqualification. OPSA articulated the Standards 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 the May 1, 2021 CPD incident report, officers were dispatched to the scene of a car accident. Upon arrival, officers met with the victim (later identified as [Name redacted]) and a male witness who "requested to be unknown." [Name redacted] reported that while picking up the male witness, Applicant drove up in her Jeep Cherokee, exited her vehicle, and struck [Name redacted] on the left cheek with a closed fist while [Name redacted] was still inside her vehicle.

According to the male witness, he knows Applicant and/or had a prior relationship with her. [Name redacted] states that she and the witness pulled off, and Applicant followed them and sideswiped their vehicle while flashing a black handgun. Applicant then fled the scene. Officers noted minor bruising on [Name redacted] left check, but she declined EMS. [Name redacted] was also given information on how to obtain an Order of Protection.

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There was also a property damage police report that was cross-referenced with the above report. This report stated that after a *verbal* altercation, Applicant “purposefully sideswiped” [Name redacted]’s vehicle, causing extensive damage to the front driver’s side and side mirror. The report states that according to the male passenger (“who did not want to be named”), Applicant was the offender.

Applicant presented an Appeal consisting of her video-recorded sworn statement taken on January 31, 2024 at her attorney’s office.<sup>1</sup> It also included the accompanying exhibits and a screenshot of a Facebook message allegedly sent from [Name redacted] to Applicant. Applicant was sworn in, and her attorney elicited information about her background, character, and knowledge of the police report.

Applicant is a 27-year-old Chicago native who grew up on the south side of Chicago with her parents and brother. She played varsity basketball at Phillips High School, and attended Central State University in Ohio, receiving her degree in accounting. Upon graduation, she moved back into her childhood home with her parents and brother.

Applicant describes a close relationship with her brother, who was five years older than her. Applicant’s brother was a Chicago firefighter, and often spoke to her about the joy and pride he took in serving the community. She states that he constantly motivated her to become a police officer, and they looked forward to serving the community together. In 2020, Applicant’s brother died in the line of duty at the age of 30. Applicant states that he ran into a fire in a two-story building to save someone inside, but his equipment was not working properly, and he died.

Applicant states that because she had already started the CPD application process when

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<sup>1</sup> Applicant’s sworn statement was video recorded and transcribed by In Demand Court Reporting Inc., and a certification was included in the transcript.

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her brother passed away, his death motivated her even more. She states that she was determined to live out both of their dreams of protecting the city's residents. Applicant states that she continued with the process and took and passed the written and drug tests. She also had no issues with the Kentech interview or her polygraph examination. Therefore, when the R/I began questioning Applicant about whether she owned a firearm and requesting the serial number, she was confused.

Applicant states that the R/I later called her back and told her that there was a 2021 police report alleging that Applicant struck [Name redacted] and sideswiped her car while flashing a handgun. Applicant states that she advised the R/I that she was "not aware of that." Although Applicant admits that she has both a CCL and FOID card, she states that she leaves her firearm at home when she's driving. Applicant claims that she had no clue what the R/I was referring to when she questioned Applicant about the police report, as she has never been in an altercation with [Name redacted] or flashed a gun at her. Applicant also adds that she was never contacted by the police regarding the incident, and was never made aware of the report until she was questioned about it by the R/I.

Applicant was asked whether she knew anyone named [Name redacted], and she stated that she did not. After being shown a (mugshot) photo of [Name redacted] by her attorney, Applicant stated that although she does not recognize the name, she recognizes the face as the same woman who sent messages to her on Facebook under the name [Name redacted] ("[Name redacted]"). Applicant states that [Name redacted] harassed her by constantly sending messages threatening that if [Name redacted] sees Applicant with "this guy," she was going to "do something" to her. Applicant states that because of the constant threats made by [Name redacted] over the guy, she deleted her entire Facebook account.

Applicant included a copy of a Facebook message from [Name redacted] in her Appeal. In the message, [Name redacted] advised Applicant that although Applicant thinks “[Name redacted]” is her man, he lives with [Name redacted], comes home to her, and pays her bills. [Name redacted] also mocks Applicant for paying for trips and buying clothes, shoes and food for [Name redacted]. [Name redacted] states that she knows for a fact that Applicant is not getting anything from [Name redacted] but sex and “bubble gum.”

Applicant insists that although she was receiving Facebook messages from [Name redacted], she was never in an altercation with her, never waved a gun at her and was unaware of the police report in question until she learned about it from the R/I.

### **Conclusions of Law**

Section IV. of OPSA’s Special Order 21-01 contains the Pre-Employment Investigation Standards for Applicants to the Position of Police Officer (“Standards”) that are applicable to this Appeal.

Section B(1) states: “an applicant may be disqualified from consideration for a police officer position if there is evidence that the applicant has engaged in criminal conduct, even if the applicant was never convicted of any criminal offense,” and Section B(6) states: “An applicant who has engaged in any conduct which would constitute a felony is not eligible for employment.”

OPSA states that Applicant’s conduct as alleged in the May 1, 2021 police report constituted a felony (UW), as Applicant punched [Name redacted] with a closed fist, chased her in her vehicle, sideswiped her vehicle, and flashed a handgun. The conduct also indicates violent tendencies and is grounds for disqualification under Section B(7)(c) of the Standards.

Applicant has denied that the incident occurred and was never arrested or charged with a



crime. In fact, Applicant was never questioned by the police about this incident and was unaware that the report existed until it was brought to her attention by the R/I. Applicant included [Name redacted]'s mugshot and a screenshot of the Facebook message in support of her contention that the allegations made against her were false.

It is also unclear why the CPD would not follow-up on a credible report of a person with a gun who committed battery, followed a woman in her vehicle, struck the vehicle, and caused "significant" property damage. This is particularly unusual when there is a "witness" who identified the perpetrator and provided her address to responding officers.

OPSA's Response relies on the information contained in the Notice and fails to address the additional facts, explanation, and documentation provided in Applicant's Appeal. Specifically, OPSA fails to present evidence to counter Applicant's assertion that she was never involved in an altercation with [Name redacted] and was unaware of the police report.

While it is probable that Applicant is not being entirely forthcoming about her history with [Name redacted], there has been no additional evidence presented to counter Applicant's assertion that she never struck, chased, or flashed a gun at [Name redacted] on May 1, 2021. Because the conduct alleged in the police report was the sole basis for Applicant's disqualification, Applicant has shown, 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 **reversed**.

Respectfully submitted,

*/s/ Mamie A. Alexander*

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Mamie Alexander  
Appeals Officer

Date: June 13, 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 7 in favor (Kyle Cooper, Paula Wolff, Claudia Badillo, Mareilé Cusack, Nanette Doorley, 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 **reversed** and she is **reinstated to the eligibility list**.

This decision and order are entered by a majority of the members of the Police Board: Kyle Cooper, Paula Wolff, Claudia Badillo, Mareilé Cusack, Nanette Doorley, Andreas Safakas, and Justin Terry.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20<sup>th</sup> DAY OF JUNE 2024.

Attested by:

*/s/ KYLE COOPER*  
President

*/s/ MAX A. CAPRONI*  
Executive Director