

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 24 AA 15**
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 13, 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 9, 2024, Applicant appealed this disqualification decision to the Police Board by filing a written request 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 28, 2024, OPSA filed with the Police Board a copy of the Notice and its response to Applicant’s Appeal (“Response”) (the response memo was incorrectly dated). On April 29, 2024, Applicant filed with the Police Board a reply to the Response (“Reply”). Police Board Appeals Officer Mamie Alexander has reviewed the Notice, Appeal, Response, and Reply.

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. The Response and Reply were 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.

C. Disqualification Based on Driving Record

1. Police officers are regularly required to operate motor vehicles in dangerous situations. They are thus required, to the extent reasonable, to operate vehicles in a careful manner protective of the public. Applicants with a poor driving history are deemed unable to meet this requirement. Further, applicants with more than one DUI or reckless driving incident, regardless of the date of the incident; or any driving-related incidents which resulted in the suspension or revocation of a driver's license, may be found unsuitable for employment.

H. Disqualification Based on Other Conduct

1. Police officers are required to show respect for authority, uphold the law, and defend the dignity and rights of the public. Therefore, any applicant who has engaged in conduct that exhibits a pattern of repeated abuse of authority; lack of respect for authority or law; lack of respect for the dignity and rights of others; or a combination of traits disclosed during the pre-employment investigation 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.

I. Disqualification Based on False Statements or Omissions and/or Failure to Cooperate in the Application Process

1. Applicants are required to cooperate with the City of Chicago and the Chicago Police Department in all matters relating to the processing of their applications for the position of Police Officer. Any applicant who fails to cooperate with the City of Chicago and its Police Department in processing his or her application for the position of Police Officer shall be

disqualified. Prohibited conduct within this category includes, but is not limited to: failure to provide any required information; failure to respond to requests for information in a timely manner; failure to respond to requests for interviews in a timely manner; failure to fully disclose all known information requested, whether it is beneficial or prejudicial to the applicant; making false or misleading statements in connection with any part of the application process; failing to include any material or relevant information requested by the City of Chicago or the Chicago Police Department; or failing to appear for scheduled appointments or processing sessions as directed.

Applicant was disqualified by OPSA for his criminal conduct, driving record, other conduct, false statements and omissions and/or failure to cooperate in the application process. OPSA alleges that Applicant's background includes six arrests for multiple criminal offenses, including, but not limited to domestic battery. Applicant also refused to give his identification to a police officer while being detained for possession of alcohol in 2013 and received over fourteen red-light and speed tickets between 2022-2023.

OPSA also alleges that Applicant's social security card was restricted, and he received three new, unpaid red-light tickets at the time that his background investigation was submitted by the Reporting Investigator ("R/I") on November 16, 2023.

Appeal, Response, and Reply

Applicant appeals the decision, stating that his background was not "adequately represented" in the Notice. While Applicant acknowledges "errors and misrepresentations" with the Champaign County Police Department ("CCPD") during a period of "youthful indiscretion," he states that he has only had one arrest in his life, and that was for domestic battery. Applicant claims that there were several discrepancies in the Notice, and provided detailed explanations to counter the allegations and "shed light on the nuances." Applicant's Appeal includes substantial documentation, including receipts, court records, case dispositions, correspondence, and a letter

of recommendation.

Applicant states that he has worked tirelessly to overcome challenges and reshape his character. He declares that he is committed to personal growth and has learned from his past mistakes. Applicant expresses that he understands the gravity of the role of a Chicago police officer and is deeply passionate about contributing to the safety and well-being of the city's residents.

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, Driving Record, Other Conduct, False Statements or Omissions and/or Failure to Cooperate in the Application Process). 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 (1st) 173084; ¶¶ 24, 31 and *Johnson v. O'Connor*, 2018 IL App (1st) 171930, ¶¶ 16-17, 20.

OPSA asserts that Applicant's past actions are not those of youthful indiscretion, as only two of his arrests occurred when he was a minor. OPSA also states that Applicant's flagrant disobedience to traffic laws is extremely concerning, as he has continued to drive in an illegal and unsafe manner. OPSA adds that Applicant's history is extremely troubling, and had he been in their employ, he would have been in violation of multiple CPD rule violations and state laws, "each of which would serve by themselves as grounds for disqualification."

In his Reply, Applicant states that while OPSA's account of his criminal record in the Response are mostly true, the same statements are also "misleading, judgmental, and a complete

Police Board Appeal No. 24 AA 15
Findings and Decision

misrepresentation” of his true character. He believes that OPSA’s account of the domestic incident with his ex-girlfriend (“[Name redacted]”) is particularly misleading, as it attempts to portray him as a pedophile. Applicant explains that although OPSA’s Response describes him as a 19-year-old man dating a 16-year-old girl, both he and [Name redacted] were minors when they met. He states that they attended high school at the same time and met when [Name redacted] was 15 and he was 17. Applicant states that [Name redacted] was associated with his brother’s class, and there was nothing inappropriate about their relationship. Applicant reiterates that the domestic battery allegations against him are false and says that OPSA’s assertion that he “convinced” her to drop the charges is inaccurate. He believes that their entire relationship was toxic, and states that the false allegations against him have ruined his reputation.

Applicant maintains that he was truthful in his PHQ and polygraph examination and insists that he was only arrested one time. He states that he considers an arrest to have occurred when he is handcuffed and taken to jail. As a result, he does not consider his other interactions with the police as arrests and does not know why they are listed as arrests in the CCPD’s records.

Applicant concludes his Reply by addressing his tickets and social security card. He states that all of his tickets have been paid in full, and the restrictions have been removed from his social security card. Applicant states that he asked the R/I for more time to pay off the tickets, and when he did not receive a prompt response, he “escalated the matter by contacting her supervisor for an extension.” As a result, the R/I was angry with him, and “prematurely submitted” his file before he could come into compliance.

Applicant believes that he will excel as a police officer, and provides a letter of recommendation from Officer [Name redacted], a CPD officer that he was introduced to through the officer’s wife, who he met while driving for Uber. Officer [Name redacted] shares that he

met with Applicant to discuss the CPD application process and believes that Applicant would provide the CPD and city residents “what is required in a sworn member.”

Findings of Fact

Filings were timely.

OPSA provided the factual basis for its decision to disqualify Applicant and remove his name from the eligibility list. OPSA determined that Applicant’s criminal conduct, driving record, other conduct, false statements and omissions and/or failure to cooperate in the application process 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.

Criminal Conduct

Applicant was arrested at least six times for numerous criminal and city ordinance violations, including Public Urination (4/15/2018), Possession of Alcohol on Public Property (3/4/2016), Domestic Battery (2/19/2014), Purchase/Possession of Alcohol by a Minor (8/22/13), Unlawful Use of ID (8/6/2012), and Curfew Violation/Illegal Consumption/ Possession of Alcohol by a Minor (6/6/2012).

OPSA alleges that Applicant’s conduct included, but was not limited to the following:

- Urinating in the entryway to a business.
- Possessing open alcohol on public property and dumping it out as officers approached.
- Hitting his girlfriend in the face, resulting in a black eye and busted lip; filming her injuries and posting her with a black eye on social media; forcing her to stay at his house; manipulating her into dropping the charges against him.
- Underage drinking.

Police Board Appeal No. 24 AA 15
Findings and Decision

- Walking down the street with open alcohol.
- Refusing to provide his identification to the police when requested.
- Using a fraudulent driver's license to enter a bar.
- Striking a pedestrian while driving behind another vehicle.

Applicant admits that during his youth, he was caught drinking on the street, refused to show his ID to the police, and participated in underage drinking. He also admits that he used a fake ID to enter a bar, and uploaded videos of [Name redacted] on social media. He chalks these mistakes up to youthful indiscretion, and states that he has grown significantly since then.

Applicant vehemently denies striking [Name redacted] or giving her a black eye. He states that during an argument, [Name redacted] jumped on his back, and when he rotated his body to remove her, she fell to the floor. Applicant states that he has never hit [Name redacted] or forced her to stay at his house. He claims that it was actually [Name redacted] stepfather who hit her and gave her the black eye when she returned home from Applicant's house the next day. Applicant declares that he was falsely blamed for [Name redacted] injuries, and it negatively affected his life and reputation.

Applicant claims that he never forced [Name redacted] to drop the charges, but instead "communicated to her" that he would no longer continue to date her if the charges were not dropped. Applicant admits that he uploaded a video of [Name redacted] on social media, but states that he did so to expose her infidelity, not to highlight her black eye. Applicant says that he now realizes that his behavior was wrong and regrets the negativity that this incident created in their lives. He states that he has no hard feelings toward [Name redacted] and wishes her the best.

The R/I interviewed [Name redacted], and she confirmed the details contained in the

police report. She states that applicant struck her during an argument, gave her a black eye, busted her lip, and posted a video of her on social media. [Name redacted] says that she was 16 years old at the time, and Applicant was 19. She states that when she got to school the next day, her friends saw her injuries and took her to the police station. [Name redacted] describes Applicant as jealous and manipulative, and states that he played on her emotions to get her to come to his house that day, then refused to let her leave. She also states that he asked her to drop the charges because it would “mess up his future,” and that she ultimately convinced her mother to let her drop the charges.

Driving Record

As a result of his unlawful use of identification charge in 2012, Applicant’s license was suspended for a year. In addition, between December, 2022 and August, 2023, Applicant received at least fourteen red-light and speed tickets from the City of Chicago, along with a moving violation for failure to stop at a stop sign.

While his CPD background investigation was being conducted, Applicant advised the R/I that he received another citation. However, when the R/I checked the city’s website, she found three new unpaid red-light tickets.

Applicant states that he is currently employed as a driver for Uber and Lyft, and is required to travel to various parts of the city. He acknowledges receiving the tickets, but states that each of the tickets has now been paid. He says that he was previously on a payment plan for some of the tickets, and always intended to pay them off. Applicant included receipts and documentation regarding payments and a previous payment plan.

Other Conduct-Lack of Respect for Authority or Law

In August, 2013, Applicant was observed walking in possession of open alcohol. Officers

at the scene requested his identification, but Applicant refused. He was later **handcuffed**, and his driver's license was obtained, verifying that he was under 21 years of age. During his interview with the R/I, Applicant stated, "when they asked me for my ID, I told them no."

False Statements or Omissions and/or Failure to Cooperate in the Application Process

At the time that his background investigation was completed, Applicant's social security card was "restricted," and the card indicated that it was "valid for work only with INS authorization." The R/I previously requested that Applicant provide a certified Certificate of Citizenship and go to the Social Security Administration to get the restriction removed, but he failed to do so.

Applicant also failed to present the R/I with a copy of a payment plan number or a copy of a paid in full receipt for his parking tickets as requested, and received three new unpaid red-light tickets.

Applicant states that the restriction has been removed from his social security card, and all of his tickets have been paid in full. He states that the process of clearing the restriction was lengthy, and he had to complete multiple steps to get it done. As a result, it took longer than expected to obtain the requested documentation.

He also states that he owed over \$4,000.00 in parking tickets and requested additional time to pay the tickets off. However, after he went to the R/I's supervisor with his request, she became angry with him, and concluded the investigation before he could pay everything in full.

Applicant states that despite his background, he feels "very compelled to pursue this position" due to his strong alignment with the role and the contributions that he can make to serve and protect the community. He shares that it is his dream to become a Chicago Police Officer, and he is a highly qualified candidate who would excel at the position.

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.

Applicant was disqualified by Department based on his criminal conduct, driving record, other conduct, false statements and omissions and/or failure to cooperate in the application process. Based on the details provided in the Notice, Response and Reply, Applicant's past conduct contains numerous violations that could be considered grounds for disqualification based on Department's Standards.

Applicant was arrested and/or cited for Public Urination, Possession of Alcohol on Public Property, Domestic Battery, Purchase/Possession of Alcohol by a Minor, Unlawful Use of ID, and Curfew Violation/Illegal Consumption/Possession of Alcohol by a Minor.

Although Applicant consistently states that he was only arrested once, he does not deny the underlying conduct that the ordinance violations and tickets were based upon. Section B(2) of the Standards states: "an admission will be prima facie evidence that the applicant engaged in criminal conduct."

Applicant admits to using false identification to enter a bar for underage drinking, possessing open alcohol in public, and striking a pedestrian while driving. While most of Applicant's criminal conduct could warrant disqualification, most disturbing is the allegation of domestic battery against [Name redacted]. Although Applicant denies striking [Name redacted], he admits that he she fell to the floor after he rotated his body, and he was arrested and charged as a result.

Applicant also admitted to filming [Name redacted], placing her image on social media

Police Board Appeal No. 24 AA 15
Findings and Decision

without consent, and “communicating” that he would not be with her if she did not drop the charges. Years later, when speaking to the R/I, [Name redacted] was consistent in her account of the events, maintaining that Applicant stuck her, gave her a black eye, and busted her lip. The R/I also spoke with a witness to [Name redacted] injuries who saw Applicant’s social media post of [Name redacted] with a black eye.

In addition to his criminal conduct, Applicant admits that his driver’s license was suspended for a year in 2012, and that he accumulated more than eighteen red-light and speed tickets between 2022-2023. Both could be considered grounds for disqualification based on Applicant’s driving record under Section C of the Standards.

Applicant also refused to provide his ID to a police officer, possessed open alcohol in public, used a fake ID to enter a bar while underage, and posted a video of [Name redacted] with a black eye on social media. This conduct could be found to exhibit a pattern of lack of respect for authority and law and lack of respect for the dignity and rights of others, making him unsuitable for employment under Section H(1) of the Standards.

Furthermore, Applicant does not deny that the R/I requested that he remove the restriction from his social security card and provide proof of payment or payment plan for his tickets prior to the close of her investigation. Therefore, his failure to cooperate in the application process could also be considered grounds for disqualification under Section I of the Standards.

No additional facts, evidence or arguments were submitted in Applicant’s Appeal that support his contention that Department erred in disqualifying Applicant based upon his criminal conduct, driving record, other conduct, false statements or omissions and/or failure to cooperate in the application process.

In considering and weighing the numerous 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

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 **affirmed**.

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 20th DAY OF JUNE 2024.

Attested by:

/s/ KYLE COOPER

President

/s/ MAX A. CAPRONI

Executive Director