

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

<b>IN THE MATTER OF THE APPEAL BY</b>	)	
<b>[NAME REDACTED]</b>	)	<b>No. 24 AA 16</b>
<b>APPLICANT FOR THE POSITION OF</b>	)	
<b>PROBATIONARY POLICE OFFICER,</b>	)	<b>(Applicant No. [redacted])</b>
<b>CITY OF CHICAGO.</b>	)	

**FINDINGS AND DECISION**

[Name redacted] (hereinafter “Applicant”) applied for a probationary police officer position with the City of Chicago. In a letter dated February 6, 2024 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 cited conduct it alleged formed the bases of Disqualification(s) Based on Criminal Conduct - Other Criminal Conduct - Conduct Involving Drugs (Collectively, "Notice").

In an email dated February 12, 2024, 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 28, 2024.

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

**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

a. Conduct Involving Drugs

5. Any applicant who was found in possession of more than 30-100 grams of marijuana may be found unsuitable. Any applicant who was found in possession of 100-500 grams or 200-2000 grams or 2000-5000 grams will be found unsuitable for employment.

6. An applicant who has used any illegal drug other than Marijuana, within the last five (5) years (from the date of the PHQ submission) or has engaged in more than minimal experimentation at any point in his or her life may be found unsuitable for employment. (Background Investigation Report, p. 1)

Department cited the following conduct, in summary:

It was alleged Applicant disclosed on his PHQ and in the background interview the following drug-related activity.

Marijuana: Use 15 times, 2016-2023, last usage in March 2023.

Ecstasy/MDMA: Use three times, first use 2017 and last use 2020. 720 ILCS 570/402(c) Possession of Ecstasy, 0-15 grams is a Class 4 Felony.

Mushrooms: Use 15 times, first use 2018/2019 and last use 2020. 720 ILCS 570/402 Possession of 0-200 grams of psilocybin mushrooms, peyote, or mescaline is a Class 4 felony, punishable by 1-3 years in prison.

Cocaine: Use 40 times; first use 2016, last use 2021. 720 ILCS 570/402(c) Possession of 0-15 grams is a Class 4 felony.

PHQ was submitted July 19, 2023.

(Background Investigation Report, p. 1-2)

**Appeal and Response**

The following is a summary.

**Appeal.** Applicant stated that he was nervous during the background interview and that although he said the last use of cocaine was in 2022, it was really 2017. Applicant explained he turned to drugs in high school because he was anxious about his future and got involved in the wrong crowd. Applicant explained that after that he focused on wrestling and becoming a positive influence to his teammates. He went on to study psychology in college, coached wrestling for children, worked in a high-risk pregnancy hospital unit with women with drug problems and then in his father's electrical company. He closed with an acknowledgement of mistakes he made and the hope that the Board will judge him on the person he is now and not who he once was.

(Appeal)

**Response.** In summary, Department iterated it stands on the reasons and bases set forth in the disqualification letter, and cited caselaw supporting its rights to disqualify. Department emphasized that Applicant told the investigator from 2016 to 2022.

(Response)

**FINDINGS OF FACT**

All filings were timely.

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.

Applicant did not deny the conduct described by Department. Applicant told the Investigator in the background interview that the last time he used cocaine was 2022. It was not until after he was disqualified that he changed the date of the last use to 2017 - five years earlier than. It is not believable that Applicant would have made that much of a mistake in time.

The use of cocaine, MDMA and psilocybin - all illegal drugs other than marijuana - was within five years of the PHQ submission.

It is unclear from what Department cited as to marijuana use that there was a violation of the hiring standards.

It is more likely than not Applicant engaged in the conduct as described by Department in the Basis for Disqualification, except as it relates to possession of marijuana.

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.

### **CONCLUSIONS OF LAW**

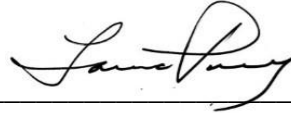
Pursuant to the Municipal Code of Chicago ("MCC") 2-84-030 the standard of review for appeals of disqualification and removal of an applicant's name from the Eligibility List is that Applicant shall show by a preponderance of evidence that Department's decision to remove the applicant from the Eligibility List was erroneous (MCC 2-84-035(c)).

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,



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Laura Parry, Esq.  
Appeals Officer

Date: June 11th, 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