

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 24 AA 17**
APPLICANT FOR THE POSITION OF)
POLICE OFFICER,) **(Taleo 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 January 30, 2024, 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 20, 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 31, 2024, OPSA filed with the Police Board a copy of the Notice and its response to Applicant’s Appeal (“Response”). 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

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.

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 are 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.
- 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.

Rule #5: Failure to perform any duty.

Rule #6: Disobedience of any order or directive, whether written or oral

Rule #10: Inattentive to duty

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 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, exhibits that the applicant is not suited for employment as a police officer, will be found unsuitable for employment.
4. Any applicant who has engaged in conduct affecting public health, safety and decency including but not limited to disorderly conduct, illegal gambling, child endangerment or other offenses may be found unsuitable for employment.

Applicant was disqualified by OPSA based on his driving record, prior employment history, and other conduct. OPSA alleges that Applicant has active citations, along with several convictions and an accident involving personal injury on his driving record. Applicant was also discharged from the U.S. Navy due to a “Pattern of Misconduct,” terminated from United Parcel Service (“UPS”) for absenteeism, and is ineligible for rehire at Obsidian Security Services (“OSS”) due to tardiness. In addition, Applicant allegedly “did donuts” while screeching his tires in front of marked squad cars on January 2, 2024.

Appeal, Response, and Reply

Applicant appeals the decision, stating that “rather than make excuses,” his Appeal will detail and address each incident separately. Applicant says that he does not have any reckless

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driving violations, DUI's, or suspensions on his driving record, and claims that his January, 2024 citations were the result of racial profiling. Applicant shares that although he has received several speeding tickets, they were the result of being young and reckless and "running late." Applicant also notes that he was not the at fault driver in the accident.

Applicant argues that he should not be disqualified based on his prior employment history, as he was mistreated while in the Navy, and was discharged from UPS for missing work following oral surgery. In addition, he was given a negative employment review by the owner of OSS because he spoke out about payroll issues. Applicant provides reports, photos, correspondence and medical records in support, and states that if given the opportunity, he would make an "exceptional" police officer.

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 Driving Record, Prior Employment History, CPD Rules and Regulations, and Other Conduct). 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.

In his Reply, Applicant states that OPSA's Response only states what was in the original Notice, and there is no indication that anyone reviewed the evidence or documents that he "tirelessly submitted" for review.

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. It determined that Applicant's driving record, prior employment history, and other conduct 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.

Driving Record

Applicant has two active citations on his driving record for illegal screeching of tires and a loud muffler based on an incident that took place on January 2, 2024. On January 3, 2024, CPD Officer [Name redacted] received a call from a sergeant at the Midlothian Police Department ("MPD") advising him that around midnight, Applicant was observed in a parking lot on 148th and Cicero driving recklessly, doing "donuts" and squealing and screeching his tires in front of marked squad cars. When Applicant was pulled over, he advised the officers that if he weren't starting the Chicago Police Academy, he "would have ran." The officers also stated that Applicant had an "I don't care attitude" during the stop and posted photos of the incident on Instagram. MPD forwarded the in-car camera footage, as well as a link to the BWC footage from Oak Forest police officers.

Applicant's driving record also revealed that between 2019-2024, he received three speeding tickets for driving 15-25 mph over the limit, and one ticket for disobeying a red light. These citations resulted in two convictions and two supervisions. In addition, he was involved in an accident in 2023 that resulted in a personal injury.

Applicant denies doing donuts and screeching his tires in a parking lot on January 2,

2024. He claims that he had just left a skating rink at midnight and stopped for gas at a station on 148th and Cicero. Applicant states that after leaving the gas station, he was targeted and racially profiled by a police vehicle that followed him until he decided to pull over. He states that once he pulled over, 3-4 other police cars appeared and boxed him in.

Applicant denies stating that he would have “ran” if he were not starting the police academy, and notes that the sergeant also said that because one of the officers did a “passenger side approach,” he could not hear the full conversation. Applicant claims that the officer approached his vehicle and asked, “Why didn’t you run because people with this type of car usually do?” Applicant claims that he replied, “I had no reason to run and I’m about to start the Chicago Police Academy.” Applicant states that on February 13, 2024, he appeared in court and both citations were dismissed.

Applicant explains that his first two speeding tickets were due to “making poor decisions and choices as an adolescent,” and the third was because he was running late and there was an “open expressway.” He states that his red-light ticket was issued at 3:30 a.m., and although he believed that the light was yellow, the officer “disagreed,” and he was issued a citation. Applicant states that the ticket only became a conviction because he didn’t respond in time.

Applicant also says that the accident on his record was unavoidable, and the other driver received a citation for failure to yield. He provided a copy of the police report in support. Applicant states that he has no reckless driving, DUI’s or suspensions on his abstract. Therefore, he should not be disqualified based on his driving record.

Prior Employment History

Obsidian Security Services

Applicant worked for OSS patrolling housing complexes as a security guard from

February, 2022-May-2022. According to [Name redacted], the company's owner, Applicant was incompetent, did not follow attendance requirements, and had "poor work performance." He stated that although Applicant lived where he worked, he was often late or didn't make it to work at all. [Name redacted] also answered "Yes" when asked whether Applicant has ever shown a propensity for violence or dishonesty in the workplace and stated that Applicant is not eligible for rehire.

Applicant claims that [Name redacted]'s account of his employment is inaccurate. He states that he was the employee that they turned to every time someone called off, and the allegations about his work performance are false. Applicant states that his relationship with OSS became antagonistic after he "spoke out" about his checks being short and issues with W-2's. He says that there were also discrepancies with the amount of his withholdings, and provided a letter from the Arizona Department of Revenue.

United States Navy

Applicant served in the U.S. Navy from 2019-2021. He was discharged for a "Pattern of Misconduct" after receiving several disciplinary actions for unauthorized cell phone usage and tardiness. Applicant received both a 5-day and 45-day restriction for unauthorized use of his cell phone, along with a reduction in rank.

Applicant's Commander, Master [Name redacted] ("The Commander") shared that although Applicant was an Operations Specialist, due to loss of confidence, his clearance access was revoked to enter any classified spaces. He states that Applicant had poor work habits and issues with "character and integrity," which led to an administrative separation from the Navy. The Commander says that Applicant has potential but needs to mature and set realistic goals for himself. He explains that Applicant did not succeed in the Navy where structure and discipline is

expected, but with the correct training and guidance, Applicant can “succeed if he chooses.”

Applicant states that during his time in the Navy, he was treated unfairly and punished to the extent where his safety was compromised. He shares that on one occasion, he sustained second degree burns after boiling water fell into his service glove and melted the skin off his arm. Applicant says that he was not allowed to leave the ship for medical treatment, and provides photos of his injuries.

Applicant explains that his mother is the survivor of a double aneurysm, and he used his cellphone during restricted times to gain clarity on her condition. He states that his superiors had no empathy or understanding, and he received 5-day and 45-day restrictions trying to gain “peace of mind.”

United Parcel Service

Applicant was terminated from UPS, where he worked from August, 2018-October, 2018. Applicant states that while still on probation, he was forced to have emergency surgery to remove his wisdom teeth. Following the surgery, he missed additional days of work after having an adverse reaction to his medication. Applicant says that he missed more days than was allotted for a new employee and was terminated as a result. Applicant notes that he provided documentation of his condition to UPS, but his supervisor was unable to make an exception to the rules despite his medical condition. Applicant provides a copy of the letter from his oral surgeon in his Appeal.

Other Conduct

OPSA alleges that Applicant’s conduct on January 2, 2024, along with his driving record and employment history show a lack of respect for authority and law and a lack of respect for the dignity and rights of others. Applicant asserts that he should not be disqualified based on “Other

Conduct,” as OPSA’s account of his driving record and employment history is inaccurate.

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. Applicant was disqualified by OPSA based on his driving record, prior employment history, and other conduct. Based on the details provided in the Notice and Response, Applicant’s past conduct contains numerous grounds for disqualification based on OPSA’s Standards and Section 5 of CPD’s Rules and Regulations.

Disqualification Based on Driving Record

Section C(1) of the Standards states: “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.” Applicant’s driving abstract contains three speeding tickets, along with a ticket for disobeying a red light.

In addition, at the conclusion of his CPD background investigation, Applicant had two active citations for screeching tires and a loud muffler based on his conduct on January 2, 2024. Even more disturbing was Applicant’s assertion to the officers that he would have “ran” if he was not starting the Chicago Police Academy. Although Applicant denies making the comments and provides a self-serving alternate version of the conversation, after reviewing the footage, the commander confirmed that Applicant did in fact make the statement.

Based on the above, Applicant’s driving record could be grounds for disqualification based on Section C(1) of the Standards.

Prior Employment History

Section D(2) of the Standards states: “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 may be found unsuitable for employment.”

Applicant was discharged from the U.S. Navy for a “Pattern of Misconduct,” which included failing to follow cell phone regulations and tardiness. In addition, he was terminated from UPS for missing more days than was allowed and is ineligible for rehire at OSS for failing to follow attendance requirements and incompetence. As a result, Applicant’s prior employment history could be grounds for disqualification based on Section D(2) of the Standards and CPD’s Rules and Regulations.

Other Conduct

Section H(1) of the Standards states: “...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.”

Applicant’s driving record, disregard for the Navy’s rules and regulations, and actions on January 2, 2024 could be deemed to exhibit a lack of respect for authority or law, as well as a lack of respect for the dignity and rights of others, in violation of Section H(1).

Section H(2) states: “...Any applicant who has engaged in conduct affecting

public health, safety and decency...may be found unsuitable for employment.” Applicant’s numerous speeding tickets (for driving 15-25 miles over the limit), along with “doing donuts” and screeching his tires on January 2, 2024 could be found to be conduct affecting public health, safety, and decency, in violation of Section H(2).

No additional facts, evidence or arguments were submitted in Applicant’s Appeal that support his contention that OPSA erred in disqualifying Applicant based on his driving record, employment history, and other conduct.

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: July 12, 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 18th DAY OF JULY 2024.

Attested by:

/s/ KYLE COOPER
President

/s/ MAX A. CAPRONI
Executive Director