

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 24 AA 21**  
**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 February 6, 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 March 16, 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 April 30, 2024, OPSA filed with the Police Board a copy of the Notice and its response to Applicant’s Appeal (“Response”). 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 reason:

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

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

- 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; stalking; 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 (3) years (from the date of the 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 indicating violent tendencies based on four domestic incidents that occurred between 2007-2017. Applicant was named as a suspect in two domestic incidents with his stepfather and one domestic incident with his sister in their family home. He was also arrested in 2017 for disorderly conduct, false imprisonment, and

intimidation of a victim following an altercation at a hotel with his girlfriend.

### **Appeal and Response**

Applicant appeals the decision, stating that the incidents were “several years ago” and he has learned from his past mistakes. Applicant states that he was never charged with the incidents involving his family, and two of the 2017 charges were dropped. He claims that he is in good standing with the individuals involved, and if needed, can provide a letter or contact information.

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 standard under which Applicant’s disqualification decision was based upon is clear (namely, Disqualification based on Criminal Conduct Indicating Violent Tendencies). 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. OPSA adds that Applicant’s history is extremely troubling, and serves as grounds for disqualification.

### **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 conduct indicating violent tendencies was grounds for disqualification. OPSA articulated the Standard by which the conduct was assessed by section and paragraph, and articulation of the Standard gives reasonable notice as to the basis for disqualification.

On four occasions between 2007-2017, police officers responded to calls in which

Applicant was accused of engaging in conduct which constituted unlawful restraint, intimidation, disorderly conduct, aggravated battery, and domestic battery.

According to the case report, on November 20, 2007, the Plainfield Police Department (“PPD”) responded to a call regarding a domestic dispute at Applicant’s residence. Upon arriving, an officer spoke with Applicant’s mother, who stated that Applicant became upset when his sister used the family computer. She stated that Applicant threw her daughter from the computer onto the couch, got on top of her, and held her down by her shoulders. After several attempts, Applicant’s mother was able to physically remove him from her daughter. Applicant became upset and left the residence on foot. Applicant’s mother declined to press charges.

On September 6, 2010, PPD responded to a call regarding a domestic dispute at Applicant’s residence. Upon arriving, an officer spoke with Applicant’s stepfather, [Name redacted] (“[Name redacted]”), who stated that he was fed up with Applicant’s attitude and wanted him out of the house permanently. [Name redacted] stated that while arguing with Applicant, Applicant pushed him attempting to “antagonize him to fight.” Applicant left the residence for the evening.

On August 13, 2011, PPD responded to another call to Applicant’s residence from [Name redacted]. [Name redacted] advised the officers that he and Applicant argued because Applicant does not listen to the house rules and uses possessions that are not his. Applicant became angry and grabbed a knife from the kitchen. Applicant then held the knife approximately two feet from [Name redacted]’s midsection and threatened to stab him. [Name redacted] declined to press charges, but advised the officers that he wanted Applicant to leave the residence for the evening.

On February 25, 2017, Applicant and his girlfriend were staying at the Kenosha Hampton Inn & Suites when the front desk clerk received a call indicating an emergency. Upon checking it

out, the clerk heard a woman yelling “let me out of the room.” The clerk proceeded to call the Kenosha Police Department (“KPD”). KPD officers attempted to speak with Applicant, but he continued to argue with his girlfriend. They then noticed the room phone was on the floor and the cord was disconnected. Applicant’s girlfriend stated that he had thrown her against the wall and prevented her from using the phone to call for help. Applicant had scratches on his chest, neck and face, and stated that the dispute started over a pack of cigarettes. Applicant was arrested and charged with disorderly conduct, false imprisonment, and intimidation of a victim.

Applicant does not deny the allegations, but states that all of the incidents were several years ago, and he has grown as a person “in a positive manner” since then. He shares that working as a Chicago Police Officer is his “dream goal,” and he wants to give back and serve the citizens of Chicago.

### **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.

Section B(7)(c) states: “...any conduct demonstrating a propensity for violence will be grounds for disqualification.” Applicant was accused of throwing his sister on a couch and holding her down, pushing his stepfather and pulling a knife on him, and throwing his girlfriend against a wall and preventing her from calling for help.

Section B(7)(c) further states: “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 failing within the scope of this section that constitutes a misdemeanor within the last (3) years (from the date of the PHQ submission), or more than (1)

time in his or her life, **will** be found unsuitable for employment.” (Emphasis added.)

Based on the police reports, Applicant engaged in conduct which constituted unlawful restraint (a Class 4 Felony), intimidation, (a Class 3 Felony), and aggravated battery (a Class 2 Felony). Any one of these incidents could result in Applicant’s disqualification based on Section B(7)(c) of the Standards. In addition, Applicant was accused of conduct constituting a misdemeanor on more than one occasion (disorderly conduct and domestic battery). Applicant does not deny the conduct or provide additional information related to the incidents. Instead, he offers that he was never charged in the 2007, 2010 or 2011 incidents, and that two of the three charges in 2017 were dismissed.

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 police officer be **affirmed**.

Respectfully Submitted,

*/s/ Mamie A. Alexander*

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Mamie Alexander  
Appeals Officer

Date: August 9, 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, Claudia Badillo, Steven Block, Mareilé Cusack, 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, Claudia Badillo, Steven Block, Mareilé Cusack, Kathryn Liss, Andreas Safakas, and Justin Terry.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15<sup>th</sup> DAY OF AUGUST 2024.

Attested by:

/s/ KYLE COOPER  
President

/s/ MAX A. CAPRONI  
Executive Director