

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 24 AA 22**  
**APPLICANT FOR THE POSITION OF** )  
**PROBATIONARY POLICE OFFICER,** ) **(Applicant No. [redacted])**  
**CITY OF CHICAGO.** )

**FINDINGS AND DECISION**

[Name redacted] (hereinafter “Applicant”) applied for a probationary police officer position with the City of Chicago. In a letter dated January 30, 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 Candidate Background Investigation Update (“Background Investigation Report”) in which Department cited conduct it alleged formed the bases of Disqualification(s) under its Pre-Employment Disqualification Standards for Applicants for the Position of Police Officer (“Standards”) Based on Criminal Conduct; Indebtedness; Any Failure to Promote the Department’s Efforts to Implement its Policy or Accomplish its Goals; and Rules of Conduct (Collectively, “Notice”)

In an email dated March 20, 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 May 2, 2024. No

Reply was filed.

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:

“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 will 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.”

...

5. “The references to the Illinois Compiled Statu[t]es 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.”

...

[6]. “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; 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.”

(Background Investigation Report, p. 1-5)

Department cited the following conduct, in summary:

Several incidents in which Applicant was arrested for conduct on dates disclosed in the Response amounting to violations of Illinois Compiled Statutes (“ILCS”):

Felony Robbery (720 ILCS 5/18-1-A);  
Battery (720 ILCS 5/12-3-A-1);  
Mob Action (720 ILCS 5/25-1-A-2);  
Retail Theft under \$300 (720 ILCS 5/16-25-A-1); and  
Criminal Trespass (720 ILCS 5/19-4-A-1)

Mob Action (November 14, 2015). It was alleged Applicant and seven others surrounded one male and one female victim, demanded money for public transit, were given spare change whereupon one of the alleged offenders reached into one of the victim’s wallets and took twenty dollars (USD \$20). When the victim asked for the money back, an offender reached into the victim’s pocket and took out more money. When again asked for the money back, offenders spit on the victim and said they would “smack the fuck out of” the victim if the two victims did not leave. The offenders, including Applicant, were apprehended by the police who recovered a “large sum of money” taken from the victim(s). Felony charges were filed.

Battery-Simple (May 18, 2013). Applicant and two other alleged offenders approached two individuals leaving a concert and asked the alleged victim if he had “any bud” (a/k/a cannabis or marijuana) and asked for money from the victim for a “blunt” (a/k/a marijuana cigarette). The

victim reported that all three offenders, including Applicant, punched victim with a closed fist in the face and forehead area which resulted in an ambulance team treating victim for his injuries and the arrest of the Applicant.

Battery-Simple (June 17, 2015). Applicant was arrested after the alleged victim reported Applicant threw something that hit victim in the head as victim was leaving a train.

Robbery – Class 2 Felony (July 22, 2013) – pleaded guilty to a lesser charge. It is alleged Applicant and four other offenders grabbed the victim at the instruction of one of the offenders, put him in a headlock, and while Applicant and another offender were striking the victim, another took victim’s computer tablet, phone and ninety dollars (USD \$90). This was reported by the victim and a third-party witness who both stated Applicant said words to the effect, “Get on it,” and “Slam him,” understood to mean hurt the victim. The offenders were later arrested walking down the street. It was reported Applicant said he did not take the property and did not hit the “white guy,” but rather an Albanian with a beard named “[Name redacted],” took the property and hit the victim. Both victim and witness denied any such person was there and the name “[Name redacted]” was never heard. An ambulance arrived and the victim was treated for abrasions and bruising.

Robbery – Class 2 Felony (August 3, 2017). Applicant was arrested for an incident in which the victim was selling concert tickets in the lobby of a downtown hotel when a commotion broke out in front of the sales table and the victim was struck in the side of the head and the tickets he was selling (some for hundreds and some for thousands of dollars) were stolen. Victim identified Applicant as an offender by Applicant’s clothing. Police arrested Applicant after finding him hiding under a vehicle. Applicant was later identified by those at the scene in a show up of the Applicant. Video surveillance showed Applicant running out of the hotel, but no tickets were

seen in his hands. The Background Investigator reported Applicant said the case was dismissed against him because video showed the individuals involved lied about what happened. Investigator further reported the case was dismissed because the victim did not show up for court.

Theft – Retail (May 8, 2015). Applicant was arrested for allegedly walking into a store, place four bottles of alcohol under his coat and walked out.

Criminal Trespass to Residence (August 18, 2015). Applicant was arrested after he was asked to leave a residence and did not.

(Background Investigation Report, p. 1-6, Response)

**Basis #2**

IV-[G]. Disqualification Based on Indebtedness

“Police officers are occasionally required to handle significant amounts of currency in the execution of their duties. Further, police offices with significant indebtedness are considered particularly susceptible to corruption and coercion.” (Background Investigation Report, p. 6)

Department cited the following conduct, in summary:

As of February 8, 2024 Applicant owed the City of Chicago \$10,748.20 in parking tickets, seizure notifications related to unsafe operation of vehicle on the public way, red light violations, speed camera violations and seizures for missing/expired plates from September 2018 to November 2023. Applicant has enrolled in a payment plan.

(Background Investigation Report, p. 6, Response)

**Basis #3**

[no citation found within Standards]

“Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.” (Background Investigation Report, p. 6)

Department cited the following conduct, in summary:

The conduct cited in Basis #1 above. (Background Investigation Report, p. 6-8)

**Basis #4**

[IV-D. Disqualification Based on Prior Employment History]

...

[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...]<sup>1</sup>

#### "RULES OF CONDUCT

In addition to the positive requirements of all the foregoing sections, the following rules of conduct set forth expressly prohibited acts. Prohibited acts include:

Rule 1

Violation of any law or ordinance.

Rule 8

Disrespect to or maltreatment of any person, while on or off duty."

(Background Investigation Report, p. 8-9)

Department cited the following conduct, in summary:

The conduct cited in Basis #1 above. (Background Investigation Report, p. 8-11)

Applicant was born in January 1996. (Background Investigation Report, p. 1)

#### **Appeal and Response**

The following is a summary.

**Appeal.** Applicant wrote of his education, employment and promotion with the Chicago Park District and his ability to redirect negative behavior of adults. He has had a concealed carry permit for three years and has never been in a situation where he had to use his firearm. Applicant noted he did not make the best decisions from age 16-21 because he was immature and subject to peer pressure and associated with people he should not have and has since changed his life, averring he is a productive citizen and a role model. Applicant addressed some of the conduct cited by Department and then concluded by thanking the Board for the opportunity to appeal the disqualification.

Mob Action (November 14, 2015) demanding money for public transit. Applicant

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<sup>1</sup> The only language within the Standards that references failure to follow Rules falls under Disqualification Based on Prior Employment History.

explained that he was present when the incident happened but that he and one other person there did not hit or take anything from the victims, and that Applicant, though arrested was released later that day and not charged with the crime.

Battery-Simple (May 18, 2013). Applicant explained that this involved the same incident as the house party where an individual selling marijuana was beat up and his phone, computer tablet and money was taken (see July 22, 2013 explanation below). Applicant did not address what was alleged by Department that it was a separate incident involving two individuals leaving a concert in which the alleged victim identified all three offenders as having struck victim such that an ambulance was called to treat victim for his injuries.

Battery-Simple (June 17, 2015) at the train. Applicant explained that as a passenger in a car he threw an eight-pack of crackers out of the window, and it struck someone leaving the train station.

Robbery – Class 2 Felony (July 22, 2013) at a house party taking a phone, computer tablet and money from person in a headlock. Applicant explained it was the group of people he arrived at the house party with who beat up and robbed someone who was selling “weed” (taken to mean cannabis). Applicant explained he and several other people were standing there when it happened but that he did not engage in the conduct explaining that as the situation escalated, he and others left to go to the train station and those who did engage in the conduct walked in the same direction as Applicant and his friends. Applicant and his African American friends, but not his Caucasian friends were identified as the offenders, and that while being arrested Applicant and his friends identified “[Name redacted]” as the offender who the police had let walk away. Applicant said that one of the friends he was with did have items from the victim. Applicant explained he took a deal to plead guilty to a lesser charge of Battery-Simple at his lawyer’s suggestion after several

court appearances and after considering the cost of defending the charges with the expectation Applicant would have the record expunged.

Robbery – Class 2 Felony (August 3, 2017) at the downtown hotel ticket sale. Applicant explained when he saw people rush the ticket sales table he turned and left. While outside Applicant said he saw one of the ticket vendors talking to the police and pointing at Applicant which caused Applicant to panic, run and hide under a car in the parking lot of his former university. Applicant wrote that he was not told why he was being arrested until the police station when he was told it was for robbery and that the ticket vendor told the police that Applicant had hit the vendor in the face. Applicant wrote that the video showed Applicant did not take any tickets, nor did he hit anyone. Applicant also wrote that the police officer told his stepmother, a former police officer, that had he known Applicant was her son he would not have been arrested. Applicant wrote that all charges were dropped after review of the video and absence of the alleged victim in court.

Theft – Retail (May 8, 2015). Applicant admitted to what he characterized as a foolish attempt to go into a store to steal two bottles of vodka. As he walked out of the store with the bottles he was taken into custody and released the next morning.

Criminal Trespass to Residence (August 18, 2015). Applicant explained when police shut down a party he attended at a rented house Applicant told police his phone was still inside the house. Applicant wrote he was told by the police if he went back inside, he would be arrested. Describing himself as “a defiant youth,” Applicant went back inside, was arrested for criminal trespassing and released from custody the next morning.

Indebtedness. Applicant did not address the Disqualification Based on Indebtedness.

(Appeal)



**Response.** Department added the dates of each of the incidents. 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. It also pointed out Applicant’s extensive list of offenses, his “flagrant” disobedience of traffic laws as being extremely concerning, not only for the thousands of dollars in fines accumulated but that it demonstrates a history of driving in an illegal and unsafe manner. Department asserted Applicant’s history is “extremely troubling.” It noted Applicant was observed on video “participating” in the incident on August 3, 2017 at the hotel and that multiple witnesses observed Applicant as one of the offenders striking the victim and stealing his property at the house party for which Applicant blamed an individual named, “[Name redacted],” that the witnesses denied every seeing. (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.

Applicant is currently 28 years old.

Retail Theft (05/18/15), Criminal Trespass (08/18/15), Battery (05/18/13), Battery (06/17/15) and Indebtedness. Applicant admitted to Retail Theft and Criminal Trespass. He was 19 years old at the time. Applicant did not deny the Battery incident in which the victim identified Applicant as one of the offenders who approached him for marijuana and then money and who proceeded to strike the victim that resulted in injuries that were treated after an ambulance arrived on scene. Applicant was 17 years old at that time. Applicant did not deny throwing an object and hitting a person in the head who was coming out of a train station – Applicant merely explained

what he threw. It was serious enough for the victim to file a police report. Applicant was 19 years old at the time. Applicant did not deny or explain the over ten thousand dollars of debt owed to the City as of February 2024, nor did he deny or explain parking tickets, seizure notifications related to unsafe operation of vehicle on the public way, red light violations, speed camera violations and seizures for missing/expired plates from September 2018 to November 2023 when Applicant would have been between the ages of 22 and 27. By a preponderance of the evidence, **Applicant DID NOT** provide sufficient additional facts directly related to and/or did not adequately specify why the Department erred in its factual determinations as to retail theft, criminal trespass, battery and debt owed the City.

Robbery – Class 2 Felony (07/22/13) at a house party taking a phone, computer tablet and money from person in a headlock. While Applicant denied the conduct, he pleaded guilty to a lesser charge and was sentenced to probation, community service and restitution. Witnesses identified him as an offender, he admitted he was there, and was not credible as to “[Name redacted]” being the sole offender – witnesses denied seeing a “[Name redacted]” individual. Applicant would have been 17 years old at the time of the incident. By a preponderance of the evidence, **Applicant DID NOT** provide sufficient additional facts directly related to and/or did not adequately specify why the Department erred in its factual determinations.

Mob Action (November 14, 2015) demanding money for public transit. One of the victims had to be treated for injuries on the scene. Applicant was identified as one of eight (8) offenders by the victims. Applicant did not deny he was there. Applicant was arrested and later released. It is unclear why he was released. But his release does not mean the conduct did not occur. Under Illinois law, “[a] person commits mob action when he or she engages in any of the following: (1) the knowing or reckless use of force or violence disturbing the public peace by 2 or more persons

acting together and without the authority of law; (2) the knowing assembly of 2 or more persons with the intent to commit or facilitate the commission of a felony or misdemeanor...” (720 ILCS 5/25-1). While Applicant denied striking the victim, he was there for the entire encounter from the time his group of eight approached the victims until the arrest. Applicant knew his group asked for money from the victims. He knew one of the victims gave them spare change. He knew his group demanded more money, took the victim’s wallet, reached into the victim’s pocket for more money, knew the victim demanded the money back, was at the very least present while the victim was beat, and Applicant did not deny spitting on the victims or verbal threatening the victims. His actions appear to be consistent with Mob Action as described under Illinois law. By a preponderance of the evidence, **Applicant DID NOT** provide sufficient additional facts directly related to and/or did not adequately specify why the Department erred in its factual determinations.

Robbery – Class 2 Felony (08/03/17) at the downtown hotel ticket sale. While the witness identified Applicant, the witness did not appear in court. Applicant denied the conduct. His explanation was plausible – trouble broke out, he panicked, ran and hid. The video showed him running out of the hotel when the commotion started. No tickets were seen in his hand in the video nor were any reported to be found on him. This occurred at the age of 21. By a preponderance of the evidence, **Applicant DID** provide sufficient additional facts directly related to and/or did adequately specify why the Department erred in its factual determinations as to this conduct.

By a preponderance of the evidence, **Applicant DID NOT** provide sufficient additional facts directly related to and/or did not adequately specify why the Department erred in its factual determinations as to Disqualifications Based on Criminal Conduct and Indebtedness. Bases #3 and #4, which appear to be language that appears under Disqualification Based on Prior Employment History, are inapplicable in the context of the conduct described and/or are not bases

listed in the Standards. However, any one instance of Criminal Conduct or the Indebtedness described can suffice to uphold the decision to disqualify Applicant and remove his name from the eligibility list.

### **CONCLUSIONS OF LAW**

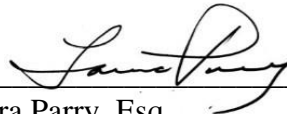
Pursuant to the Municipal Code of Chicago (“MCC”) 2-84-030 the standard of review for appeals of disqualification and removal of an applicant’s name from the Eligibility List is that Applicant shall show by a preponderance of evidence that Department’s decision to remove the applicant from the Eligibility 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 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,



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Laura Parry, Esq.  
Appeals Officer

Date: August 3rd, 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