

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 24 AA 29**
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 March 18, 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 May 15, 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 June 26, 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 Involving Violent Tendencies¹

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 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; 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 three (3) years (from the date of PHQ submission), or more than one (1) time in his or her life, will be found unsuitable for employment.

Applicant was disqualified by OPSA based on criminal conduct indicating violent

¹ Section B(7)(c) of OPSA's Pre-Employment Investigation Standards uses the word **indicating**, not involving. Therefore, it should read "Conduct Indicating Violent Tendencies."

tendencies based on an alleged domestic incident with his ex-girlfriend on April 29, 2023.

Applicant was arrested and charged with domestic battery after the incident was reported a week later.

Appeal and Response

Applicant appeals the decision, stating that the charges against him were false. He alleges that his ex-girlfriend (“[Name redacted]”) struggles with mental health issues and was suicidal. Applicant says that [Name redacted] filed a false police report, and later admitted that she was in an “emotional state” at the time. Two weeks later, the charges against him were dropped, and all of his privileges (CCL, FOID, etc.) were reinstated. Applicant provides photos, text messages and an audio recording from [Name redacted] in support.²

Applicant says that he has always dreamed of being a Chicago Police officer and strives to be a positive influence for his 4-year-old son and “other kids throughout the city.” He hopes that [Name redacted] false claim will not affect his ability to “thrive and serve the citizens of America.”

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 (1st) 173084; ¶¶ 24, 31 and *Johnson v. O’Connor*, 2018 IL App (1st) 171930, ¶¶ 16-17,

² It is unclear how the audio recording submitted by Applicant was obtained, and the voices on the call cannot be authenticated. As a result, the audio recording was not considered in this recommendation.

20.

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 May 6, 2023, [Name redacted] reported to the Palos Hills Police Department ("PHPD") that she was involved in a domestic incident with Applicant on or around April 29, 2024. According to the report, [Name redacted] alleged that when she came home to the apartment that she shared with Applicant, she went to the bathroom. While she was in the bathroom, Applicant took possession of her cell phone and demanded her password to unlock it. After she refused, Applicant entered the restroom yelling and demanding the password. [Name redacted] continuously refused, so Applicant began striking her on the left side of her face and grabbing her neck. He then forced her back against the floor and bathtub and began to choke her. [Name redacted] states that she began to strike Applicant in self-defense, and they struggled for roughly ten to fifteen minutes. [Name redacted] claims that she laid on the bathroom floor for a few hours until Applicant fell asleep, then left. After she left the apartment, [Name redacted] self-transported to Trinity Hospital for treatment. [Name redacted] signed a criminal complaint against Applicant and asked how to obtain an order of protection.

PHPD Officer [Name redacted] contacted Applicant to advise him of the report.

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Applicant initially asked Officer [Name redacted] whether the call was a prank. Officer [Name redacted] advised Applicant that it was not a prank, and that [Name redacted] signed a criminal complaint against him. Applicant stated that he would turn himself in, and voluntarily went to the station. Upon being mirandized, Applicant stated that he and [Name redacted] were still together, spent that entire day together, and a physical battery never took place. Applicant advised the officers that [Name redacted] may have an undiagnosed mental illness and fabricated the story. He stated that he did not know why she would fabricate such a story.

During a virtual interview with Kentech, Applicant stated that he was arrested, processed, and held for a bond hearing based on [Name redacted]'s false allegations. He stated that he was released on an I-Bond, and when Applicant appeared for his first court date, the charges were dismissed because [Name redacted] declined to prosecute. Applicant further stated that [Name redacted] was depressed prior to making the report, and that her visit to Trinity Hospital was for a traffic accident that she was involved in on April 3, 2023. He advised the Kentech Investigator that the only explanation for [Name redacted]'s accusations was that she was upset over text messages Applicant received from a female friend of hers.

On November 17, 2023, the CPD R/I conducted a follow-up interview with [Name redacted] over the phone. [Name redacted] verified that she filed a false police report and stated that she was in an "emotional state of mind" at that time. [Name redacted] says that she immediately had the charges dropped, and has had no contact with Applicant.

Applicant stated that during his time dating [Name redacted], she struggled with mental health issues that she disclosed to him and others. In his Appeal, Applicant provided several text messages from [Name redacted] threatening to commit suicide, one of which contained a

photo of [Name redacted] with cuts on her wrists. Applicant felt that it was his job to help her as much as he could, but believes that he failed. Applicant asserts that because [Name redacted] admitted to filing a false police report, his arrest should not be used against him. Applicant declares that he has always dreamed of being a Chicago Police Officer and would never do anything to jeopardize that opportunity. He further shared that he wants to be a positive role model for his four-year-old son who also wants to join the force.

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 criminal conduct indicating violent tendencies.

Section B(7)(c) of the Standards states: “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 demonstrated a propensity for violence do not meet those requirements. Therefore, any conduct demonstrating a propensity for violence will be grounds for disqualification.” Applicant was disqualified based on his arrest and charge related to the domestic battery incident with [Name redacted].

However, Applicant denies that the incident occurred, and [Name redacted] declined to prosecute or obtain an order of protection. In addition, when she was contacted by the R/I during Applicant’s CPD background investigation for a follow-up interview over six months later, [Name redacted] maintained that she falsely filed a police report while in an “emotional state of mind.”

OPSA's Response relies on the information contained in the Notice and fails to specifically address the explanation provided in Applicant's Appeal. Specifically, OPSA fails to present evidence (or even assert) that [Name redacted]'s allegations were true or provide an explanation for her failure to prosecute. OPSA also fails to address Applicant's assertion that [Name redacted] suffers from mental illness and filed a false police report against him. Because [Name redacted]'s accusations were the sole basis for Applicant's disqualification, Applicant has shown, 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 **reversed**.

Respectfully submitted,

/s/ Mamie A. Alexander

Mamie Alexander
Appeals Officer

Date: September 11, 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, Claudia Badillo, 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 **reversed** and he is **reinstated to the eligibility list**.

This decision and order are entered by a majority of the members of the Police Board: Kyle Cooper, Claudia Badillo, Steven Block, Mareilé Cusack, Nanette Doorley, Kathryn Liss, Andreas Safakas, and Justin Terry.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19th DAY OF SEPTEMBER 2024.

Attested by:

Attested by:

/s/ KYLE COOPER
President

/s/ MAX A. CAPRONI
Executive Director