

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 24 AA 34**  
**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 April 3, 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 February 1, 2024 Completed 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, specifically Conduct Involving Drugs, and False Statements or Admissions and/or Failure to Cooperate in the Application Process (Collectively, “Notice”).

In an undated letter , Applicant sought to appeal the disqualification decision to the Police Board (“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 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 July 3, 2024. No Reply

was filed.

Police Board Appeals Officer Laura Parry reviewed the Notice, Appeal, and Response and any documentary evidence submitted with each.

### **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. a. Conduct Involving Drugs

“The City of Chicago has an obligation to maintain a safe, healthy and productive work environment for its employees. An employee under the influence of drugs or alcohol while at work can be a serious safety risk to himself or herself, to other employees, and in certain instances, to the general public. The abuse of drugs or alcohol also has a negative impact on the productivity and health of City employees. In order to maintain a safe and healthy work environment, the City of Chicago has established a [“]zero tolerance[“] policy regarding the unlawful use of drugs for its employees. This policy also prohibits the illegal sale, delivery, receipt, possession or use of any controlled substance. Further, any applicant who has illegally sold, delivered, received, possessed or used any controlled substance (under state or federal law regardless of geographical location) has, if falling into any of the five categories listed below, demonstrated that they present a safety risk to themselves and others. The City defines an illegal drug as any drug that is not legally obtainable in the United States, any drug used in a manner or for a purpose other than prescribed, or any prescription drug that was sold, delivered, received, possessed or used by or to a person to whom it was not prescribed.

While the Chicago Police Department does not condone prior unlawful drug use by its applicants, we recognize that some otherwise qualified candidates may have engaged in limited drug use at some time in their past. The following standards set forth the criteria for determining whether prior drug use makes an applicant unsuitable for employment. These standards balance the Chicago Police Department's need to maintain a drug-free environment and foster the public integrity needed to enforce applicable drug laws with the understanding that people

sometimes have made mistakes that are not indicative of future performance or current abilities.

(1) An applicant who has used any illegal drug: (a) while employed in any law enforcement or prosecutorial position; or (b) while employed in a position that carries with it a high level of responsibility; or (c) while employed in a position involving the public trust, will be found unsuitable for employment.

(2) An applicant who misrepresents his or her history of drug use during any stage of the employment process [may] be found unsuitable for employment.<sup>1</sup>

(3) An applicant who has sold, distributed, or manufactured an illegal drug at any time will be found unsuitable for employment.

(4)[(6)] An applicant who has used any illegal drug, other than marijuana, within the last five (5) years (from the date of PHQ submission), or has engaged in more than minimal experimentation at any point in his or her life [may] be found unsuitable for employment. When determining that drug use constituted more than minimal experimentation, all relevant factors, such as frequency of use, length of time since last use, the age of the applicant when he or she last used any [illegal drug], will be evaluated. Exceptions to this standard may be made on an individual basis for the un-prescribed use of prescription drugs, provided that such use was only medicinal, isolated, and infrequent.<sup>2</sup>

(5) An applicant who has used marijuana within one (1) year (from the date of PHQ submission) or has used marijuana frequently over a substantial period of time at any point in his or her life will be found unsuitable for employment. When determining that drug use constituted more than minimal experimentation, all relevant factors, such as frequency of use, length of time since last use, the age of the applicant when he or she last used any marijuana, will be evaluated."<sup>3</sup>

...

(Background Investigation Report, p. 1-3)

Department cited the alleged following conduct, in summary:

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1 Department cited the language as "...will be found unsuitable..." (emphasis added)

2 This language is incorrectly cited by Department. The applicable Standards in effect as of July 26, 2021 contains different language at (4), to wit: "(4) An applicant who knowingly and illegally sold, distributed or manufactured or delivered with the intent to deliver marijuana/cannabis will be found unsuitable." The language cited by Department is found at (6) in the applicable Standards with the exception that Department cited, "... last used any *marijuana*..." instead of correctly citing, "... last used any *illegal drug*..." and "... will be found unsuitable..." instead of correctly citing, "... *may* be found unsuitable..." (emphases added)

3 This language does not exist in the applicable hiring Standards. The correct language is: "(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 500-2,000 grams or 2,000-5,000 grams will be found unsuitable for employment."

In her PHQ submission of January 11, 2023, Applicant responded to Q69 Drug Usage - Marijuana, stating she had only used it once in 2023. Applicant denied any other conduct as it related to illegal drug use, including unprescribed use of prescription drugs on the remaining 15 questions related to drug usage.

During the background investigation interview in April 2023, Applicant was given an opportunity to correct or make changes to the PHQ. When asked whether she had ever illegally used drugs, prescription or otherwise, it was reported Applicant stated she had marijuana-infused ice cream from a dispensary once in 2023, but never sold or smoked it other than that time.

During the polygraph exam in June 2023, Applicant admitted the illegal drug usages below:

Marijuana -- approximately 10 times, first use at age 15, last use in January 2023

Ecstasy -- three (3) times, last use in summer 2021

Percocet without a prescription -- approximately three (3) times, last use summer 2021

Xanax without a prescription -- approximately 11 times, last use summer 2021

Muscle Relaxers without a prescription -- five (5) times, last use 2019

In a phone conversation January 31, 2024 with Background Investigator Applicant explained as to the use of marijuana that it was recreational; as to the Ecstasy, Percocet and Xanax that it was recreational while partying with friends; and that the muscle relaxers were used during sports because she had a "little tweak."

(Background Investigation Report, p. 4)

**Basis #2**

**IV-I. Disqualification Based on False Statements or Omissions and/or Failure to Cooperate in the Application Process**

1. "Honesty and credibility are vital characteristics for a police officer to possess in order to ensure the integrity of police operations and investigations and to protect the public and maintain its trust in the police. Honest and complete answers to background questions asked of applicants during the application process, as well as full cooperation with the application process, are thus extremely important to the

maintenance of the Chicago Police Department's force and the integrity of its hiring process. Therefore, applicants are [expected]<sup>4</sup> to cooperate with the City of Chicago and the Chicago Police Department in all matters relating to the processing of their applications for the position of Police Officer. Any applicant who fails to cooperate with the City of Chicago and its Police Department in processing his or her application for the position of Police Officer [could]<sup>5</sup> be disqualified. Prohibited conduct within this category includes, but is not limited to: failure to provide any required information; failure to respond to requests for information in a timely manner; failure to respond to requests for interviews in a timely manner; failure to fully disclose all known information requested, whether it is beneficial or prejudicial to the applicant; making false or misleading statements in connection with any part of the application process; failing to include any material or relevant information requested by the City of Chicago or the Chicago Police Department; or failing to appear for scheduled appointments or processing sessions as directed."

(Background Investigation Report, p. 3-4)

Department cited the conduct described in Basis #1 above.

Applicant was born in January 1999. PHQ was submitted January 11, 2023.

### **Appeal and Response**

The following is a summary.

**Appeal.** Applicant opened with thanks for consideration and that the three key points she felt should be considered are her age then and now, her character and integrity, her lack of knowledge at the time and not wanting to be judged or identified by her past to show her potential for the future. Applicant explained in college she liked parties and partook "in different types of things being a college student" having been given the party drugs by classmates and close friends at the time. Applicant asserted she has never bought or sold any illegal drugs and does not use them now and never will again, including THC.

Applicant explained she does not want "to be handled at a standard where my past is over my head, I'm not viewed as a human, or as like I'm being judged for my younger decisions and

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<sup>4</sup> Department incorrectly stated, "required"

<sup>5</sup> Department incorrectly stated, "shall"

like I am an addict or drug dealer/buyer." Applicant stated she "always handled myself to a high standard and I have no regrets besides not taking my time being honest to what I did as the younger version of myself [b]ecause avoiding what I wanted to avoid I am still here in this predicament pleading my case." She noted she understands the seriousness of having integrity as an officer because of experience as a soldier and that being truthful allows others to trust you with duties not everyone is capable of performing. She explained she understands the seriousness of drug abuse and addiction based on her experience with friends and family who abused and some who died from drugs and that drugs are flooding her community. Applicant stated she understands that she put her integrity into question and apologized for not being honest with those she encountered during the hiring process and is at peace with whatever decision the Board makes. Applicant closed by expressing her knowledge that she can make a difference as a police officer and that she truly wants to play a role in protecting and serving her hometown.

(Appeal)

**Response.** In summary, Department through its Human Resources Division Director iterated it stands on the reasons and bases set forth in the disqualification letter, and cited caselaw supporting its rights to disqualify. Department noted that Applicant admitted to the conduct alleged.

Department concluded that the illegal drug use and dishonesty about it demonstrate that Applicant would not be able to fulfill Department's mission to "strive to attain the highest degree of ethical behavior and professional conduct at all times" and is grounds for disqualification.

(Response)

### **FINDINGS OF FACT**

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.

Some of the language of the hiring Standards cited by Department did not reflect the language of the Standards in effect at the time of the PHQ submission. Such discrepancies were noted in footnotes or brackets within the text of the language cited by Department. The conduct described was viewed in light of the hiring Standards then in effect as of the date of the PHQ submission.

Applicant's use of marijuana approximately 10 times is not in violation of the Standards as it relates to use of marijuana. However, the disclosure of the times of use may be considered for other bases of disqualification.

Applicant used prescription drugs not prescribed to her over 20 times, the last time of use was the summer of 2021 which was approximately one-and-a-half years and within five (5) years prior to the submission of the PHQ in January 2023.

Applicant did not fully disclose her use of illegal drugs on the PHQ in January 2023 or the background interview in April 2023, despite being given an opportunity to make changes to her PHQ during the interview. The additional disclosures were not made until the polygraph exam in June 2023.

All uses were recreational, except, perhaps the muscle relaxers when taken in connection with sports, if one assumes a "little tweak" refers to a back, neck or other temporary physical malady.

According to the hiring Standards the Department has the discretion to disqualify an Applicant who uses any illegal drug, other than marijuana, within the last five (5) years (from the date of PHQ submission. While an exception may be made for the un-prescribed use of

prescription drugs, that exception is for use that was only medicinal, isolated, and infrequent. Here the uses were recreational, except, arguably the muscle relaxers used during sports. 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 the use of illegal drugs other than marijuana.

As it relates to dishonesty as to her history with drugs and failure to fully disclose all known information requested, whether it is beneficial or prejudicial to the applicant and/or making false or misleading statements in connection with any part of the application process, 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 this conduct. Department has the discretion to disqualify an applicant for this conduct as it violates both Conduct Involving Drugs and Failure to Cooperate sections of the hiring Standards.

### **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



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to remove Applicant from the list of eligible applicants for the position of probationary police officer be **AFFIRMED**.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Laura Parry", is written over a horizontal line.

Laura Parry, Esq.  
Appeals Officer

Date: September 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 9 in favor (Kyle Cooper, Paula Wolff, 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 **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, Nanette Doorley, Kathryn Liss, Andreas Safakas, and Justin Terry.

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

Attested by:

/s/ KYLE COOPER  
President

/s/ MAX A. CAPRONI  
Executive Director