

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)	
[NAME REDACTED],)	No. 24 AA 38
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 April 3, 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 30, 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 July 17, 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 reasons:

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.

¹ Section B(7)(c) of OPSC's Pre-Employment Investigation Standards uses the word **indicating**, not involving.

H. Disqualification Based on Other Conduct

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 was disqualified by OPSA based on criminal conduct indicating violent tendencies and other conduct. OPSA asserts that in 2020, Applicant was involved in a domestic incident during which he battered, choked, and threw his ex-girlfriend to the ground, causing multiple injuries. He was also arrested and charged with battery following a fight with another student while in high school.

In addition, Applicant has four suspensions and four moving violations on his driving record, and has accumulated eleven traffic, parking, red light and speed tickets totaling \$2,415.00.

Appeal and Response

Applicant starts his Appeal by declaring that he is passionate about serving and protecting the community. Applicant believes that he has the “skills and dedication” necessary to excel as a police officer and is willing to undergo additional training and evaluations if needed.

Applicant then addresses the domestic incident with his ex-girlfriend (“[Name redacted]”), claiming that he was the victim. Applicant states that the incident took place while they were on lockdown during COVID, and that [Name redacted] stayed in bed “smoking weed and being grumpy” because she lost her job “not because of COVID, but due to poor performance.” Applicant says that he was assisting [Name redacted]’s son with his ABC’s “because she never

Police Board Case No. 24 AA 38
Findings and Decision

did,” and when Applicant told [Name redacted] that she should be helping her son, she became physical and began throwing pizza at him. He states that he pushed her off of him, and she “stepped on the curtain and the curtain rod hit her in the eye.” Applicant claims that it was a “complete accident,” and afterwards, he sat her in the chair and got ice for her eye. He states that since she threw the pizza and didn’t have dinner, he went to McDonald’s to get food for her. When he returned, [Name redacted] asked him to sleep on the couch. The next morning, [Name redacted] told Applicant that she wanted him to go home, and did not know if she wanted to continue the relationship. The following day, [Name redacted] advised him that there was a warrant out for his arrest because a neighbor heard the argument and called the police. When the police saw her injuries, they forced [Name redacted] to file a report.

Applicant states that he is a “gentle giant” and would never hurt a woman. He states that [Name redacted] misrepresented the incident, and questions why she would continue to stay with him if she is afraid of him or suffered abuse. Applicant alleges that [Name redacted] is “being spiteful” and trying to keep him down. He states that he cannot continue to stand by and let her “lie about every situation.” Applicant claims that he has continuously helped [Name redacted] by letting her live with him, taking her on vacations, helping with her child, and “so much more.”

In response to the battery arrest when he was sixteen, Applicant states that it was due to an upperclassman stealing his cell phone and trying to sell it for profit. Applicant says that because his mother was a single parent, he knew he would not be able to get another phone due to limited finances. As a result, he got into a fight with the upperclassman, but did not think that it would result in his arrest.

Applicant explains that his poor driving record occurred when he was young, did not have consistent work, and could not afford insurance. He states that once he left for the military,

he no longer needed a license. However, since he has been back, Applicant has started his own trucking company and cleaned up his driving record.

Applicant shares that he has received four college degrees—a bachelor's in computer science, a bachelor's in criminal justice, a master's in forensic psychology, and, most recently, a Masters in Global Security with a concentration in Cybersecurity. He also received his EMT certificate last December. Applicant says that becoming a Chicago police officer has been a lifelong dream, and that his “background, experiences, and character” make him a strong Applicant for this position.

Applicant's Appeal includes several exhibits, including a private investigator's report related to the domestic incident with [Name redacted], photos of Applicant, [Name redacted], and [Name redacted]'s son, text messages between Applicant and [Name redacted], copies of Applicant's academic transcripts, and correspondence from a California Human Services Agency.

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, Criminal Conduct Involving Violent Tendencies and Other Conduct). OPSA states that the evidence in Applicant's file supports its decision to disqualify Applicant from hiring, and the 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.

OPSA adds that had Applicant been in their employ, he would have been in violation of multiple Rule violations, and at least one felony, each of which would serve by themselves as

grounds for disqualification. OPSA finds the lengths that Applicant will go to in order to “blame and intimidate his victims” particularly troubling, and states that his history 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 criminal conduct indicating violent tendencies 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.

Conduct Indicating Violent Tendencies

On May 20, 2020, Applicant was arrested for Domestic Battery by the Round Lake Beach Police Department (“RLBPD”). According to the police report, Officer [Name redacted] (“[Name redacted]”) received a telephone call from [Name redacted], who was crying and stated that Applicant had battered her the prior evening. [Name redacted] had questions about the process and inquired about how to get an order of protection. She stated that she would come to the station to discuss the incident further. After an hour, [Name redacted] still had not arrived, and when [Name redacted] called [Name redacted], she did not answer. Concerned, [Name redacted] and his partner went to [Name redacted]’s residence to check on her, and [Name redacted] answered the door with visible swelling over her left eye. [Name redacted] invited the officers in and provided additional details about the incident that occurred the night before.

[Name redacted] stated that at approximately 1:00 a.m., she got into an argument with Applicant after he hid her phone and iPad. [Name redacted] found both devices, however,

Police Board Case No. 24 AA 38
Findings and Decision

Applicant took her phone away again, and they began tussling over the iPad. [Name redacted] stated that she tried to go upstairs, but Applicant blocked her. She stated that she threatened to break up with Applicant, at which point he grabbed her by the neck, threw her to the floor in the living room, got on top of her with his hands around her neck and started strangling her. [Name redacted] stated that she struggled and got away from Applicant several times, but he would catch her again, throw her to the floor, and start strangling her again. The police report stated that there were visible scratches on the side and back of [Name redacted]'s neck.

[Name redacted] stated that at one point, Applicant threw her down against the wall in the dining room and knocked a brass curtain rod down. She stated that she thinks she hit her forehead/eye area against the wall, or the curtain rod hit her in the forehead/eye area, because right after that she felt her eye starting to swell. At that point, Applicant began to calm down and apologized to her. [Name redacted] asked Applicant to leave. He refused, slept on the couch in the living room, and left the following morning.

A few days after providing her statement to [Name redacted], [Name redacted] came to the station and handed him a typed statement that retracted many of the statements that she initially made at her residence. In the statement, [Name redacted] stated that she made up the parts about Applicant pushing and choking her because she felt it would make it easier for her get an order of protection.

During a virtual interview with [Name redacted] on November 6, 2023, Applicant stated that he was at [Name redacted]'s house when she started to argue with him and throw food around the apartment. Applicant stated that [Name redacted] assaulted him, and he attempted to stop her. Applicant stated that during this time, [Name redacted] stepped on a curtain, which snapped and caused the rod to strike her in the face. Applicant stated that [Name redacted]

Police Board Case No. 24 AA 38
Findings and Decision

eventually calmed down and he spent the rest of the night there, leaving the next morning.

Applicant says that [Name redacted] went to the police and reported the incident, which resulted in a warrant for his arrest. Applicant retained an attorney and turned himself in. He was booked and charged with domestic battery, and a court date was set. Applicant stated that [Name redacted] told the State's Attorney that the allegations were fabricated, but they refused to dismiss the charges. Applicant pled guilty to a reduced charge of reckless conduct and was sentenced to one year of probation.

Applicant claims that a few months after the domestic incident, [Name redacted] moved into his home, which proves that she was not scared of him. He also shares that he bought a dog, and when [Name redacted] moved out in December, she told Applicant to keep the dog. However, on New Year's Eve, she broke into his house through a window and stole the dog, along with all of the dog's belongings.

Applicant says that he then moved out of state. However, in June or July, 2021, he began speaking to [Name redacted] again, and they tried a long-distance relationship, which went on for several months. Applicant asserts that [Name redacted]'s actions are not those of a person who is in fear. Applicant states that when he and [Name redacted] are together, she thinks the world of him, but when they are apart, she will say and do anything to harm his character.

During a follow-up interview with the CPD R/I on January 19, 2024, [Name redacted] confirmed that her original statement was exactly what occurred. She says that she was forced to recant due to pressure from Applicant and his attorney. [Name redacted] stated that at that time, she was dependent on Applicant and was scared of him and had no one else to turn to. She states that she is no longer in contact with Applicant, and lives far away from him.

During a follow-up interview on January 22, 2024, Applicant advised the R/I that he was

also arrested for a fist fight that occurred when he was 16 years old, and an upperclassman stole his cell phone from his locker. Applicant stated that he was sentenced to community service and received one year of supervision.

Other Conduct

Applicant's driving abstract revealed the following suspensions and moving violations:

- Suspension #1: Financial Responsibility Insurance Suspension. Reported on 13Jul21, Illinois Driver's Abstract. Applicant admitted that this suspension resulted from his failure to obtain SR-22 insurance as required. Date suspended: 13Jul21, date reinstated: 05Aug21.
- Suspension #2: Financial Responsibility Insurance Suspension. Reported on 09Dec18, Illinois Driver's Abstract. Applicant admitted that this suspension resulted from his failure to obtain SR-22 insurance as required. Date suspended: 09Dec18, date reinstated: 03Apr19.
- Suspension #3: Mandatory Insurance Conviction Suspension. Reported on 12Nov12, Illinois Driver's Abstract. Applicant admitted that this suspension resulted from his failure to obtain SR-22 insurance as required. Date suspended: 12Nov12, date reinstated: 02Aug18.
- Suspension #4: Financial Responsibility Insurance Suspension. Reported on 08Aug12, Illinois Driver's Abstract. Applicant admitted that this suspension resulted from his failure to obtain SR-22 insurance as required. **Date suspended: 08Aug12, date reinstated 04Aug18.**
- Citation #1: Speeding.

Reported on 02Jan20, Illinois Driver's Abstract.

Applicant stated that he appeared in court and the ticket was dropped due to the officer being unable to provide proof of Applicant's speed.

- Citation #2: Driving On Suspended License, Registration Expiration. Reported on 30Sep13, Criminal History Report. Applicant stated that this citation was issued after he was stopped while driving on a suspended license.
- Citation #3: Driving During a Suspension/Revocation. Reported on 20Sep13, Illinois

Driver's Abstract. Applicant stated that this citation was issued after he was stopped while driving on a suspended license.

- Citation #4: Operating Uninsured Motor Vehicle. Reported on 10Mar12, Illinois Driver's Abstract. Applicant stated that he was cited for operating a vehicle without insurance.

Applicant also had eleven unpaid traffic, parking, red light and speed tickets totaling \$2415.00, and is currently on a payment plan.

Applicant states that he has wanted to be a Chicago Police Officer since he was four years old, and he has put in all of the work to become a part of the force. He states that he is not “someone who quits and takes no for an answer,” and it would be a huge mistake for the CPD to prevent him from joining the force and becoming “the best person that [he] can be.” Applicant stresses that he is not a “person who is doing it just for a job.” He states that he is the guy “who will possibly be the Superintendent of the Chicago Police Department in the years to come.”

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 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.

Criminal Conduct Indicating Violent Tendencies

Section B(7)(c) of the Standards states: “...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.”

Applicant pled guilty to reckless conduct and received one year of probation following his domestic incident with [Name redacted], and the conduct alleged rose to the level of a felony. It is noteworthy that even after [Name redacted] recanted the most serious allegations, the State’s Attorney refused to drop the charges and Applicant pled guilty.

Applicant was also arrested for battery and sentenced to one year of supervision and community service following a fist fight as a teenager. Based on the above, Applicant’s criminal conduct indicating violent tendencies could be considered grounds for disqualification based on Section B(7)(c) of the Standards.

Disqualification Based on Other Conduct

Section H 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.” (Emphasis added).

Applicant has four suspensions and four moving violations on his driving record, with one suspension lasting for **six years**. He also accumulated eleven traffic, parking, red light and speed tickets totaling \$2,415.00.

Applicant admitted that the suspensions were due to his failure to obtain SR-22 insurance as required, and that he continued to drive with a suspended license and no insurance. As a result,

Applicant's conduct could be deemed a lack of respect for authority or law, and grounds for disqualification based on Section H of the Standards.

No additional facts, evidence or arguments were submitted in Applicant's Appeal that support his contention that OPSA erred in disqualifying Applicant based upon his criminal conduct indicating violent tendencies 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: October 10, 2024

Police Board Case No. 24 AA 38
Findings and Decision

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 17th DAY OF OCTOBER 2024.

Attested by:

/s/ KYLE COOPER
President

/s/ MAX A. CAPRONI
Executive Director