

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 24 AA 39**
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 10, 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 March 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 Indicating Violent Tendencies. (Collectively, “Notice”)

In a letter dated June 5, 2024, 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 17, 2024. Reply was also filed July 17, 2024.

Police Board Appeals Officer Laura Parry reviewed the Notice, Appeal, Response, Reply 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, and in relevant part:

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; 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.”

(Background Investigation Report, p. 1-2)

Department cited the alleged following conduct, in summary:

Domestic Disturbance/Battery in-Progress/Domestic Battery Calls. Applicant was the

subject of 41 of these calls. Applicant's mother made 36 of the calls, while Applicant's neighbors made the other five calls. There were 17 of what Department classified as the most serious of the calls listed with descriptions from body cam video with either Investigator summations and/or dispatcher comments from the call. The events dated from June 2017 through October 2023. Background investigator described the conduct generally as Applicant becoming irate, yelling, threatening his mother and destroying contents of her home, with calls from neighbors stating Applicant was attacking, arguing and/or fighting with his mother, and that several calls indicated the mother was with a neighbor and afraid of Applicant.

Mental Health Disturbance/Well-Being Check. Applicant was described as being involved in three of what Department classified as the most serious of the calls listed with descriptions from body cam videos of these types of calls. The events were on February 10, 2019; April 5, 2019; and January 28, 2021.

A summary of the above events are as follows:

June 18, 2017 – Domestic battery. Dispatcher noted caller's son hit caller, but there was no answer on call back from Department. Other Police Service was noted.

May 4, 2018 – Domestic disturbance. Dispatcher noted caller said son [Name redacted] is knocking things over and being disrespectful, and that son was heard in backing saying that he's going to get his gun, but that the caller (mother) said he didn't have a gun.

July 5, 2018 – Domestic disturbance. Dispatcher noted caller said her 23-year-old son was "going off on her about a playbook," that he drank a couple beers and was chasing the mother around the table, and that she needs police help. It was noted Peace Restored.

February 10, 2019 – Mental Health Disturbance. Dispatcher noted caller said her 23-year-old schizophrenic son is being combative, not on meds for a while and she requested CPD, but the

son was gone when CPD arrived.

April 5, 2019 – Well Being Check. Dispatcher noted caller said she caught her 23-year-old son who coaches football and wrestling trying to drink rubbing alcohol after having an argument with a girlfriend. Other Mental Health/CIT was noted.

April 7, 2019 – Domestic Disturbance. When police arrived the 23-year-old Malik was gone, but the mother said was “acting crazy” and threw the cat on the stove.

April 9, 2019 – Domestic Disturbance. Dispatcher noted caller stated there was an altercation with her son, that dispatcher heard a male in the background saying he’s going to shoot up the location, but that caller said there are no weapons. The son was gone upon police arrival.

March 15, 2020 – Domestic Disturbance. Dispatcher noted caller stated adult son was “tearing up” her apartment. Other Police Service was noted.

July 13, 2020 – Domestic Disturbance. Again, a dispatcher noted caller stated adult son was “tearing up” her apartment. Peace Restored was noted.

October 7, 2020 – Battery In-Progress. Dispatcher noted caller said her 25-year-old son is “acting up, going to kill somebody,” and individual heard in the background saying “going to come up shooting” and “going to kill her,” and then the phone disconnected. On call back, dispatcher noted caller said she was okay, that she couldn’t find her son’s hospital paperwork and it’s making him irate. Dispatcher then noted “male can be heard yelling asking why she called the police back & swearing at caller & threatening her.” Other Police Service was noted.

January 28, 2021 – Mental Health Disturbance. Dispatcher noted caller stated his first-floor neighbor called him screaming that her son was attacking her and that caller said the son had mental health concerns. Other Police Service noted.

February 8, 2022 – Domestic Disturbance. Dispatcher noted a “domestic” with caller’s

son. Dispatcher heard man yelling in background, then grabbing the phone, “swore,” and hung up. There was no answer on call back. From body cam video, Investigator reported seeing chairs and plants overturned in the residence. Applicant was not on scene. Other Police Service noted.

May 1, 2022 – Domestic Disturbance. Dispatcher noted caller stated her 27-year-old son is “tearing up the house.” Dispatcher reporter a male got on the phone saying, “take the badge off, I will fuck you up.” From body cam video, Investigator reported Applicant was not there, but that dining room table and plants were overturned inside the residence and officers were on scene picking up the items at the request of the caller. Noted that Order of Protection was advised.

March 16, 2023 – Domestic Disturbance. Dispatcher noted that it sounded like the 27-year-old son is going to attack the caller who stated he keeps slamming the door, lost his wallet and is screaming at his mother. Other Police Service was noted.

May 20, 2023 – Domestic Disturbance. Dispatcher noted that the mom sounds afraid of the son who was “going off on mom, cursing her out, saying he don’t care, fuck the police, calling mom stupid” and trying to take her laptop. From body cam video, Investigator reported observing Applicant in the basement yelling upstairs as the responding officers spoke to his mother regarding the laptop. It was noted Peace Restored.

October 14, 2023 – Domestic Disturbance. Dispatcher noted a male was yelling and screaming the background. From body cam video, Investigator reported observing Applicant yelling upstairs as the responding officers spoke to his mother regarding the lost wallet which was found in the doorway. Other Police Service was noted.

Department noted there were 74 calls found that related to Applicant, but that those listed above were within the timeframe and the most serious considered by the Investigator.

Investigator reported that she spoke with Applicant on January 31, 2024 regarding the calls,

and related that Applicant said he did not remember saying, “take off the badge & I will fuck you up,” and that he argues with his mom but there was never anything physical. Investigator reported Applicant said that he tries to explain things to his mother, she doesn’t believe him and calls the police to verify what he says and that his mother won’t believe him unless somebody else verifies it, which he thinks is because she just needs someone to talk to.

(Background Investigation Report, p. 2-5)

Applicant was born in April 1995. The Personal History Questionnaire (“PHQ”) was submitted October 21, 2023. (Background Investigation Report, p. 1)

Appeal and Response

The following is a summary.

Appeal. Applicant described growing up in a single mother’s home, academic achievements, coaching football and wrestling, describing decisions to switch colleges due to grandmother dying and concern for his mother. Applicant explained he took the CPD exam four times in seven years, failing the first three times and that he failed mostly everything the first time he took the physical due to being overweight, but that he persevered to pass both, including losing 60 pounds and that he is not the “giving up type.” He described himself as loving and someone who makes people feel better and happy, and who makes sure his family is great. He did not deny the conduct. Applicant included a letter purportedly from his mother who said Applicant always helps her and other family members, that he has coached team sports for 8 years, loving to mentor boys to men and that he would be a caring and responsible policeman, serving to the best of his ability. (Appeal and attachment)

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 exercise its discretion to disqualify. Department also noted that the mother was a caller within those 41 incidents and that Applicant was observed on body worn camera video demonstrating threatening and destructive behavior which shows he would not react in accordance with the Department's mission "to strive to attain the highest degree of ethical behavior and professional conduct at all times" in stressful situations.

(Response)

Reply. In an email, Applicant stated that none of the allegations were true, that it was crazy, that he'd never been charged with anything, but "ok [I] understand."

(Reply)

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.

Applicant did not deny the conduct until the Reply, which he gave a blanket denial of "[n]one of it is true." This is in direct conflict with his appearance on body worn camera video showing some of the behavior as described by the Background Investigator. Given the descriptions by dispatchers and the Investigator in summarizing body worn camera video of these incidents, it does not appear Applicant is credible in that general assertion. Even if he never struck his mother, on many occasions he knowingly put her in reasonable apprehension of receiving a battery without legal authority, which qualifies as assault under Illinois law (720 ILCS 5/12-1-A). An applicant who engaged in that conduct more than one time in an applicant's life will be found unsuitable for employment under the Department hiring Standards.

By a preponderance of the evidence and based upon the totality of circumstances, **Applicant DID NOT** provide sufficient additional facts directly related to and/or did not adequately specify why the Department erred in its factual determinations for disqualification.

CONCLUSIONS OF LAW

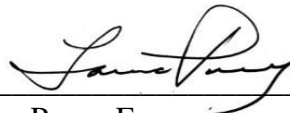
Pursuant to the Municipal Code of Chicago (“MCC”) 2-84-030 the standard of review for appeals of disqualification and removal of an applicant’s name from the Eligibility List is that Applicant shall show by a preponderance of evidence that Department’s decision to remove the applicant from the Eligibility 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 to remove Applicant from the list of eligible applicants for the position of probationary police officer be **AFFIRMED**.

Respectfully submitted,



Laura Parry, Esq.
Appeals Officer

Date: October 10, 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 17th DAY OF OCTOBER 2024.

Attested by:

/s/ KYLE COOPER
President

/s/ MAX A. CAPRONI
Executive Director