

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED]** ) **No. 24 AA 41**  
**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 May 15, 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 Background Investigation Update to Kentech Report (“Background Investigation Report”) in which Department cited conduct it alleged formed the bases of Disqualifications Based on Criminal Conduct - Other Conduct - Conduct Involving Drugs under its Pre-Employment Disqualification Standards for Applicants for the Position of Police Officer (“Disqualification Standards”) and Licensure, Certification and Other Qualifications (Collectively, “Notice”).

In a letter dated June 2, 2024, and noted received by the Office of the Chicago Police Board (“Office”) June 14, 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 November 4, 2024. No Reply was filed.

**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.

According to the Notice, Applicant was removed from the Eligibility List for the following:

**Basis #1**

IV-B. Disqualification Based on Criminal Conduct

...

“7. Other Criminal Conduct

...

b. 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 instance, 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 and regardless of geographical location) has, if falling into any of the fice 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.

...

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

(Background Investigation Report, p. 1-2)

Department cited the following conduct, in summary:

Applicant sold marijuana on campus while in college. Department reported Applicant disclosed on her Personal History Questionnaire ("PHQ"), in the background investigation home interview and at the polygraph exam that she sold marijuana. It was reported Applicant stated she

did it because she didn't have a job and didn't have financial support from her family. Department reported she disclosed selling marijuana primarily to other college students via a social media application from August 2021 until she was arrested for felony possession of more than 28 grams of marijuana November 8, 2021. Applicant entered into a plea agreement whereby she agreed to serve one(1)-year probation and pay a fine of \$1,000 USC. The "Plea of Guilty and Sentencing" document was provided indicating Applicant acknowledged the factual basis existed for her guilty plea to a felony violation of state law for Dealing in Marijuana weighing between 30 grams and 10 pounds, with a suspended sentence of one year imprisonment in exchange for her successful completion of one year of probation with credit for two days in jail (Plea of Guilty and Sentencing). It was reduced to a misdemeanor subsequent to successful completion of probation (LEADS). (Background Investigation Report, p. 2; PHQ, Q#37; Kentech Report, p. 4; Plea of Guilty and Sentencing dtd. January 5, 2022; LEADS, p. 2; Polygraph questionnaire, p. 1)

**Basis #2**

Licensure, Certification or Other Qualifications

"Must have a Firearm Owner's Identification ("FOID") card issued by the State of Illinois at the time of hire."

(Background Investigation Report, p. 2-3)

Applicant was denied a Firearm Owner Identification ("FOID") card by the State of Illinois because of a felony conviction. (Background Investigation Report, p. 3; FOID Denial Letter dtd. January 19, 2023; PHQ, Q#47)

For reference, Applicant was born in February 2001 (Background Investigation Report, p. 1). PHQ was submitted January 16, 2024 (PHQ, p. 1).

**Appeal**

The following is a summary.

**Appeal.** Applicant explained the steps she has taken since the time of her "misstep" and "past

transgression" to show that she is dedicated to upholding the values and standards of the Department and the education in law enforcement she is currently undertaking. Applicant explained the conduct occurred in her junior year of college where she faced significant emotional and financial strain during the pandemic. She described her background and expressed hope that her error in judgment would not overshadow her ability to serve as a law enforcement officer. Applicant asserted that she has since obtained her FOID and is hopeful for the appeal. Applicant provided a Letter in Support from someone who has known her all her life and who is in public safety. (Appeal and Attachments)

### **FINDINGS OF FACT**

The Appeal was timely filed. 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 specifying why the Department erred in the factual determinations underlying the Department's decision *and/or* provide additional facts directly related to the bases for disqualification.

Sale of Marijuana. Applicant admitted the conduct described as to the illegal sale of marijuana. According to the Disqualification Standards, an applicant who has sold, distributed or manufactured any illegal drug at any time will be found unsuitable for employment. "Will be found unsuitable" is a mandatory disqualification.

**Finding Basis #1:** By a preponderance of evidence, Applicant **DID NOT** provide sufficient additional facts directly related to and/or did not adequately specify why Department **erred** in its factual determinations as to Disqualification Based on Conduct Involving Drugs.

No FOID. Applicant reported that she has a FOID card but provided no indication of when it was received or any supporting documents. That said, her explanation of applying for the FOID

too soon after the completion of her probation is credible. At the time of the disqualification Applicant did not have the FOID, but it appears she does now.

**Finding Basis #2:** By a preponderance of evidence, Applicant **DID** provide sufficient additional facts related to why the disqualification on this particular basis is now moot.

### CONCLUSIONS OF LAW

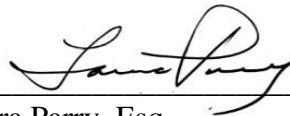
Pursuant to the Municipal Code of Chicago (“MCC”) 2-84-030 the standard of review for appeals of disqualification and removal of an applicant’s name from the Eligibility List is that Applicant shall show by a preponderance of evidence that Department’s decision to remove the applicant from the Eligibility 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: December 16, 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 DECEMBER 2024.

Attested by:

/s/ KYLE COOPER  
President

/s/ MAX A. CAPRONI  
Executive Director