

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 24 AA 47**  
**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 June 4, 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 July 29, 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 August 29, 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**

###### **a. Conduct Involving Drugs**

- (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.
- (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 the last use, and 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.

##### **C. Disqualification Based on Driving Record**

- 1. Police officers are regularly required to operate motor vehicles in dangerous situations. They are thus required, to the extent reasonable, to operate vehicles in a careful manner protective of the public. Applicants with poor driving history are deemed unable to meet this requirement. Further, applicants with more than one DUI or reckless driving incident,

regardless of the date of the incident, or any driving- related incidents which resulted in the suspension or revocation of a driver's license, may be found unsuitable for employment.

H. Disqualification Based on Other Conduct

1. Police officers are required to show respect for authority, uphold the law, and defend the dignity and rights of the public. Therefore, 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 not suited for employment as a police officer, will be found unsuitable for employment.

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 required 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 shall 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.

Applicant was disqualified by OPSA based on criminal conduct involving drugs, driving record, other conduct, false statements or omissions and/or failure to cooperate in the application process. Applicant admitted in her polygraph to using mushrooms as recently as 2022 and was

arrested four times for traffic offenses. She also failed to disclose her misdemeanor conviction for driving on a suspended license and mushroom use on her PHQ.

### **Appeal and Response**

Applicant appeals the decision, stating that she was irresponsible and naive in her younger years, but has matured into a more responsible person. She states that she misunderstood the question regarding mushroom use on her PHQ because the word Psilocybin was used, but later clarified her drug history during her polygraph exam.

Applicant admits that she has numerous convictions and violations on her driving record but claims that she was unaware of an outstanding warrant and other tickets because she had to move around a lot during that time. Applicant says that she is not trying to hide the fact that she was “a little irresponsible and naive” during that time, “neglecting the importance of such violations.”

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, Disqualification Based on Criminal Conduct Involving Drugs, Driving Record, Other Conduct, False Statements or Omissions and/or Failure to Cooperate in the Application Process). 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 (1<sup>st</sup>) 173084; ¶¶ 24, 31 and *Johnson v. O’Connor*, 2018 IL App (1<sup>st</sup>) 171930, ¶¶ 16-17, 20.

OPSA adds that Applicant’s past actions revealed that had she been in their employ, she would have been in violation of multiple CPD Rules, each of which would serve by themselves

as grounds for disqualification.

### **Findings of Fact**

Filings were timely.

OPSA provided the factual basis for its decision to disqualify Applicant and remove her name from the eligibility list. It determined that Applicant's criminal conduct involving drugs, driving record, other conduct, false statements or omissions and/or failure to cooperate in the application process 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 Involving Drugs**

During her polygraph, Applicant disclosed that she used mushrooms for the first time in June of 2020. She states that although she experimented with mushrooms, her last use was in the summer of 2022. Applicant asserts that she does not plan to use mushrooms in the future, as that part of her life is behind her.

### **Driving Record**

Applicant's driving record contains four (4) arrests for traffic offenses, with one conviction for misdemeanor driving on a suspended license, and three total arrests for driving on a suspended license. Applicant was also arrested on an outstanding warrant for speeding 30+ miles over the limit and had two (2) extensions of suspensions from 2016-2020.

Applicant explains that as a younger adult, she was naive and made poor decisions, including driving with a suspended license. She states that she was put in a position where she had to get to work, and did not have anybody else to drive her. Applicant states that she knowingly drove with a suspended license in order to make a living and neglected to address

the violations in a timely manner.

**Other Conduct**

The dates and dispositions of Applicant's multiple traffic violations are as follows:

- Extension of Suspension - Offense 6-303-B0 effective 25 January 2017 - 27 January 2020
- Extension of Suspension - Offense 6-303-B0 effective 10 October 2017 - 27 January 2020
- Conviction - Driving During a Suspension / Revocation - Offense 6-303-A1 on 22 January 2018
- Conviction - Violation of the Seat Belt Act - Offense 1-2603-01 on 14 December 2017
- Conviction - Driving During a Suspension / Revocation - 6-303-A1 on 14 December 2017
- Conviction - Disregarding Stop / Yield Sign at Intersection - Offense 1-1204-00 on 20 January 2017

Applicant adds that although she continued to drive with a suspended license, she has never disrespected law enforcement during any of her interactions “and has always cooperated fully when placed under arrest.”

**False Statements or Omissions and/or Failure to Cooperate in the Application Process**

Applicant did not mark PHQ Question 45, which stated: “Have you ever used any of the following?” Psilocybin (Mushrooms). However, during her polygraph examination, Applicant admitted to using mushrooms in June of 2020 and the summer of 2022.

Applicant states that her failure to accurately report her past use of Psilocybin on her PHQ was unintentional, as she did not recognize the term. She says that if she had been aware of the meaning of the word, she would have answered the question correctly. Applicant states that it was never her intention to be misleading or dishonest. She claims that she was nervous and didn't understand the question, so she answered no.

Applicant also answered “No” to PHQ Question 37: “Have you ever been convicted of a

crime and/or entered a plea of guilty to a crime in any court of law?” However, Applicant’s Criminal History Report states that she was convicted of a Class A misdemeanor for Driving on a Suspended License on January 22, 2018. Applicant admits that she drove on a suspended license, but stated that she was young and immature, trying to survive. Therefore, she did not address her traffic violations in a timely manner, resulting in numerous suspensions.

Applicant states that her disqualification should be reconsidered because her past actions do not reflect the best version of her. She states that these experiences taught her valuable lessons and helped her to grow into a more responsible individual.

Applicant shares that she is dedicated to a career in security, has earned her FOID card and CCL, and is currently working as a security supervisor at multiple venues. She believes that her past mistakes no longer reflect her character, and is confident that her current skills, experience, and desire to serve the public would make her a valuable asset to the Chicago Police Department.

### **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 involving drugs, driving record, other conduct, false statements or omissions and/or failure to cooperate in the application process. Based on the details provided in the Notice and Response, Applicant’s past conduct is grounds for disqualification based on OPSA’s Standards.

### **Conduct Involving Drugs**

Section B(7)(a) of the Standards states: “An applicant who has used any illegal drug, other than marijuana, within the last five (5) years (from the date of PHO submission), or has

engaged in more than minimal experimentation at any point in his or her life may be found unsuitable for employment.”

In her polygraph examination, Applicant admitted to using mushrooms within the last five years-in June of 2020 and in the summer of 2022. Therefore, Applicant’s conduct involving drugs could be considered grounds for disqualification based on Section B(7)(a) of the Standards.

### **Driving Record**

Section C(1) of the Standards states: “...Applicants with more than one DUI or reckless driving incident, regardless of the date of the incident, or any driving related incidents which resulted in the suspension or revocation of a driver's license, may be found unsuitable for employment.”

Applicant was arrested a total of four (4) times for traffic offenses, with at least three arrests for driving on a suspended license. Applicant also has a misdemeanor conviction for Driving on a Suspended License, and her suspension was extended on two additional occasions. As a result, Applicant’s driving could be considered grounds for disqualification based on Section C(1) of the Standards.

### **Other Conduct**

Section H(1) of the Standards states: “Police officers are required to show respect for authority, uphold the law, and defend the dignity and rights of the public. Therefore, 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 not suited for employment as a police officer,



will be found unsuitable for employment.” Applicant’s driver’s license was suspended on numerous occasions, and she knowingly and consistently continued to drive. As a result, she was arrested, charged, and convicted of driving on a suspended license. There was also a warrant issued for Applicant’s arrest as the result of a ticket for speeding 30+ miles over the limit. Based on the above, Applicant’s driving record could be found to show a lack of respect for authority or law, constituting grounds for disqualification based on section H(1) of the Standards.

**False Statements or Omissions and/or Failure to Cooperate in the Application Process**

Section I(1) of the Standards states: “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.”

Applicant answered “No” to PHQ question 37: “ Have you ever been convicted of a crime and/or entered a plea of guilty to a crime in any court of law?” when she was convicted of a Class A misdemeanor for Driving on a Suspended License. Applicant also failed to disclose her mushroom use on her PHQ. Therefore, Applicant’s false statements and/or omissions could be considered grounds for disqualification based on Section I(1) of the Standards.

No additional facts, evidence or arguments were submitted in Applicant’s Appeal that support her contention that OPSA erred in disqualifying Applicant based upon her criminal conduct involving drugs, driving record, other conduct, false statements or omissions and/or failure to cooperate in the application process. 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 her 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: November 14, 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 7 in favor (Kyle Cooper, Paula Wolff, Claudia Badillo, Steven Block, Mareilé Cusack, Kathryn Liss, 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, Kathryn Liss, and Justin Terry.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21<sup>st</sup> DAY OF NOVEMBER 2024.

Attested by:

/s/ KYLE COOPER  
President

/s/ MAX A. CAPRONI  
Executive Director