

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 24 AA 49**  
**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 25, 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 31, 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”). On September 25, 2024, Applicant filed with the Police Board a reply to the Response (“Reply”). Police Board Appeals Officer Mamie Alexander has reviewed the Notice, Appeal, Response, and Reply.

**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. The Response and Reply were 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

2. There are various types of proof which indicate criminal conduct, including a record of conviction or an admission that indicates the applicant engaged in criminal activities. A record of conviction or an admission will be prima facie evidence that the applicant engaged in criminal conduct.
4. In describing examples of disqualifying conduct, these Standards may refer to the Illinois Compiled Statutes. The references to the Illinois Compiled Statutes are descriptive only. Any similar federal offense, military offense or offense in any other jurisdiction within the [United States (state or local) or any foreign jurisdiction may serve as a basis for disqualification.]

6. Felonies

An applicant who has engaged in any conduct which would constitute a felony is not eligible for employment.

7. Other Criminal Conduct

d) Conduct Involving the Unlawful Use of Weapons

Police officers are generally required to possess and occasionally use weapons in the exercise of their duties. An applicant's prior unlawful use of a weapon demonstrates his or her inability to handle weapons judiciously, a vital requirement necessary to protect the public and its trust in the police. Therefore, any conduct involving the unlawful use of weapons will be grounds for disqualification. Conduct involving the unlawful use of weapons includes but is not limited to, conduct which would

constitute the knowing sale, manufacture, purchase, possession, carrying or use of any prohibited weapon, ammunition, enhancements, or projectiles; the discharge of any weapon in a prohibited manner;

**Rule 2**

Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

**Rule 3**

Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

**Rule 11**

Incompetency or inefficiency in the performance of duty.

Applicant was disqualified by OPSA based on criminal conduct and other criminal conduct involving the unlawful use of weapons. OPSA asserts that Applicant allowed his brother, a felon, to use his vehicle without securing and/or removing two (2) loaded firearms. Applicant's brother was arrested and charged with multiple felonies and advised the police that the firearms belonged to Applicant. One of the firearms was a "ghost gun" without a serial number.

**Appeal, Response, and Reply**

Applicant appeals the decision, stating that he was wrongfully accused of allowing his brother, a convicted felon, to take his vehicle and firearms. Applicant states that he owns one legally registered firearm, a Beretta, which was properly stored in his vehicle in compliance with Illinois law. Applicant states that the second firearm recovered, a "ghost gun," does not belong to him, and the accusation was based solely on unverified statements made by Applicant's brother and his attorney. Applicant asserts that his brother used his vehicle and weapon without his knowledge or consent, and he should not be punished as a result.

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 and Other Criminal Conduct Involving the Unlawful Use of Weapons). 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 states that Applicant's past actions revealed that had he been in their employ, he would have been in violation of multiple CPD Rules, and at least one felony, each of which would serve by themselves as grounds for disqualification. OPSA believes that applicant's history is extremely troubling and has demonstrated that Applicant would not be able to fulfill the Chicago Police Department's mission to "strive to attain the highest degree of ethical behavior and professional conduct at all times."

In his Reply, Applicant states that his "procedural due process rights" were violated throughout the CPD application process. He states that he was never given the opportunity to testify or defend himself, nor was he allowed to confront or cross-examine those who made the claims against him. He adds that OPSA relied heavily on hearsay evidence from Applicant's brother and his lawyer-both of whom had self-serving interests, without fully investigating the facts or verifying the accuracy of their statements. Applicant states that he followed all legal firearm storage requirements, and that his brother's actions alone led to this situation.

### **Findings of Fact**

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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 and other criminal conduct involving the unlawful use of weapons 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.

OPSA alleges that in February 2021, Applicant allowed his brother, a convicted felon, to take his vehicle without securing or removing two loaded pistols that he left in the vehicle. Applicant's brother was stopped by the CPD, who recovered both firearms. The first firearm was located on the front passenger side on the floor, loaded with extended magazine with (17) live rounds. The second firearm was located on the back passenger side on the floor with an extended magazine containing (31) thirty-one live rounds. No serial number was found on the second weapon. This weapon was inventoried as a ghost gun, since the origin of the firearm is unable to be traced. Applicant's brother was charged with multiple felonies. Applicant's brother gave a statement (captured on BWC's) identifying Applicant as the owner of the two firearms and noting that the weapon without a serial number was a "custom job."

OPSA adds that during his polygraph examination, Applicant admitted that he does not like firearms and does not like carrying a firearm, which is a CPD requirement and part of the Uniform requirements.

Applicant states that as he was preparing to depart for work at the Great Lakes Naval Base, he placed his firearm in his vehicle, stored in compliance with Illinois firearm laws. Specifically, the firearm was unloaded, disassembled, and stored in a certified storage container, meeting all safety and legal requirements.

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Applicant asserts that after he left, his brother stole his vehicle and tampered with the firearm. He states that although two firearms were found in the vehicle, the only firearm that belonged to him was the Beretta, and it is legally registered to him. He states that he does not own the second firearm, identified as a ghost gun.

Applicant says that his brother was aware that Applicant had a valid FOID card and concealed carry license (“CCL”) and thought that attributing ownership of the ghost gun to Applicant might reduce his own legal consequences. He states that this series of events was an “unfortunate breach of trust” by his brother, who not only stole the vehicle and firearm but also allowed his lawyer to provide false statements that incriminated Applicant. Applicant states that he regrets the oversight that allowed this situation to occur and has taken measures to “ensure such a breach of security does not happen again.” Specifically, he has reinforced the security of his property by upgrading the locks on his garage and ensuring that all firearms are securely stored within his residence when not in use. Applicant declares that his commitment to firearm safety and compliance with the law is “steadfast,” and that he understands the seriousness of this matter.

Applicant also clarified that although he stated in his polygraph that he prefers not to carry firearms, he does not have a fear of weapons. He states that he has extensive experience and competence with firearms, evidenced by eight years of military service with continuous contact with firearms. Applicant stresses that his statement was meant to convey a cautious and responsible approach to firearms, “not a lack of ability or discomfort in handling them.”

Applicant shares that his lifelong aspiration has been to serve as a police officer with the Chicago Police Department, and it is a calling that parallels his decision to join the United States military. He states that he is dedicated to public service, and is confident that his skills and

experience would make him a valuable asset to the CPD.

### **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 and other criminal conduct involving the unlawful use of weapons.

Section B(2) of the Standards states: “There are various types of proof which indicate criminal conduct, including a record of conviction or an admission that indicates the applicant engaged in criminal activities. A record of conviction or an admission will be prima facie evidence that the applicant engaged in criminal conduct.” In addition, Section B(7)(d) of the Standards states: “...An applicant's prior unlawful use of a weapon demonstrates his or her inability to handle weapons judiciously, a vital requirement necessary to protect the public and its trust in the police. Therefore, any conduct involving the unlawful use of weapons will be grounds for disqualification.”

OPSA asserts that Applicant allowed a convicted felon to be in possession of two loaded firearms with multiple rounds. Applicant also had a “ghost gun” in his vehicle that did not have a serial number. The firearms were assembled and accessible to Applicant’s brother, in violation of Illinois law. OPSA also states that because Applicant is a member of the United States Navy, he is aware that unsecured firearms have the potential of being stolen or used inappropriately.

Applicant, however, maintains that his brother stole his vehicle while he was away at the Great Lakes Naval Base. Applicant states that OPSA erroneously disqualified him based on false statements made by his brother and his brother’s attorney. Applicant says that these statements were used to incriminate him “unjustly, without consideration of the actual circumstances or his

lack of involvement in the actions of [his] brother.”

Despite Applicant’s brother advising the police that the firearms belonged to Applicant, no evidence has been presented to show that Applicant was ever arrested (or even questioned) by the police following this incident. Applicant has a valid FOID card and CCL and asserts that the firearm was disabled when he left it. Applicant explains that the incident with his brother was an “unfortunate and unforeseen circumstance,” and that he has taken significant steps to ensure that such an occurrence does not happen again.

OPSA’s Response relies on the information contained in the Notice and fails to specifically address the explanation provided in Applicant’s Appeal. Specifically, OPSA fails to address Applicant’s assertion that he left his firearm secured, that his brother stole his vehicle, and that the “ghost gun” did not belong to Applicant. Because this incident was the sole basis for Applicant’s disqualification, Applicant has shown, 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 **reversed**.

Respectfully submitted,

/s/ Mamie A. Alexander

Mamie Alexander  
Appeals Officer

Date: November 14, 2024

**POLICE BOARD DECISION**



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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 **reversed** and he is **reinstated to the Eligibility List**.

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