

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

**IN THE MATTER OF THE APPEAL BY** )  
[NAME REDACTED], ) **No. 24 AA 53**  
**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 rehire as a police officer with the City of Chicago. In a letter dated June 10, 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 August 9, 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 September 19, 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

D. Disqualification Based on Prior Employment History

1. Police officers are required to work well with other officers, public officials, and members of the public, as well as maintain a professional work ethic. Further, a police officer's ability and willingness to obey orders is critical to the proper functioning and administration of the Chicago Police Department, which in turn is vital to the Chicago Police Department's ability to protect the public. A steady employment history is an indication that, among other things, an applicant has the ability to work well with others; follow workplace rules; perform his or her work to acceptable standards; and come to work on time and on a regular basis.
2. A poor employment history will result in disqualification for the position of Police Officer. An applicant who has been discharged or disciplined for offenses which include any act of dishonesty, incompetence, insubordination, absenteeism, tardiness, or failure to follow regulations will be found unsuitable for employment.

### **Rules and Regulations of the Chicago Police Department**

#### **V. Rules of Conduct**

**Rule 2:** Any action or conduct which impedes the department's efforts to achieve its policy 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 5:** Failure to perform any duty.

**Rule 11:** Incompetency or inefficiency in the performance of duty.

Applicant was disqualified by OPSA based on his prior employment history. Applicant was asked to resign from his employment as a firefighter for the Lake Villa Fire Department in October 2023. In addition, Applicant's former sergeant at the CPD stated that Applicant was a "lazy officer" that he would not like to see return to the CPD.

**Appeal and Response**

Applicant appeals the decision, stating that he resigned from the fire department because he had a hard time adjusting to the schedule, as it entirely different from the police schedule. He states that he was unable to sleep at the firehouse, which caused him to be constantly fatigued. As a result, he resigned from the position but continues to work as a part-time/volunteer firefighter.

Applicant states that he worked for the Chicago Police Department ("CPD") for nearly five years, and other than the complaint filed by Sgt Tesfai ("Tesfai"), he never received complaints or bad reviews for being lazy. Applicant states that he is unsure why Tesfai filed a complaint against him for failing to write a report, as a report was made, and he is listed as the reporting officer. Applicant states that he had only known Tesfai for two and a half months when the complaint was registered.

Applicant shares that although he has received an offer from a suburban police department and is starting the hiring process with the Illinois State Police, he would much rather work in Chicago, where he was born and raised.

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 standard under which Applicant's disqualification decision was based upon is clear (namely, Disqualification Based on Prior Employment History). 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 their employ, he would have been in violation of multiple CPD Rules, each of which would serve by themselves as grounds for disqualification. OPSA adds that Applicant has shown a concerning pattern of inattention to his work duties, and 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 prior employment history was grounds for disqualification. OPSA articulated the Standard by which the conduct was assessed by section and paragraph, and articulation of the Standard gives reasonable notice as to the basis for disqualification.

In his PHQ, Applicant stated that he was asked to resign from his position as a firefighter with the Lake Villa Fire Department in October 2023 due to poor performance. On March 28, 2024, the R/I spoke with Battalion Chief Dane Costello, who stated that Applicant "just wasn't what their department needed."

Applicant states that he struggled to adjust to the demanding schedule. He stated that he

Police Board Case No. 24 AA 53  
Findings and Decision

passed all the exams including the national EMT exam, and maintained a respectful, punctual, and disciplined work ethic. Applicant states that he had no disciplinary issues during his time as a firefighter and graduated from the Nipsta Fire Academy with positive evaluations. Applicant says that although the schedule was challenging, he still chose to transition to a part-time/volunteer firefighter role, where he has remained in good standing with no disciplinary actions.

On April 15, 2024, the R/I spoke with Chicago PD Sergeant Tewelde Tesfai, who expressed that he would not want Applicant to return to the CPD, describing him as a lazy officer. Tesfai mentioned that on several occasions he had to remind Applicant to complete his duties, and at one point, Applicant refused to write a police report, leading to a formal district-level complaint.

According to Applicant's CPD employee complaint history, there is one sustained case, dated March 3, 2023, for operational violations and failure to provide service, specifically for not filing a report on an attempted suicide involving a person not in police custody. The case is still under district investigation.

Applicant states that he is unsure why he was assigned a CR number for this incident, as he did submit a police report shortly after the call was dispatched. Applicant states a CIT report was also completed and included a copy of the report in his Appeal. Applicant states that he and his partner provided the victim with the case report number and a mental health incident notice form. Afterwards, Applicant states that he guided his partner in completing the case and mental health incident reports.

Applicant denies being a lazy officer, and states that during his time as an FTO, he worked at a pace that suited his probationary officers, many of whom were new graduates from

the police academy and learning the job. Applicant states that they were consistently among the most active teams in conducting traffic stops, as documented at the end of each shift and recorded on the department's "Blue Cards." Applicant shares an occasion where he took full responsibility for a felony arrest in order to train his probationary officer on the process. Applicant says that this required him to stay several hours beyond his shift, which demonstrates his dedication to the role – not laziness, as claimed by Tesfai.

Applicant also highlights that he served with the Chicago Police Department for nearly five years without any complaints or negative reviews related to laziness, and the CR number from Tesfai is the only one on his record. Applicant states that he is open to discussing ways that he can improve as an officer and would be willing to meet with Tesfai to address his concerns.

#### **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 his prior employment history.

Section D(1) of the Standards states: “Police officers are required to work well with other officers, public officials, and members of the public, as well as maintain a professional work ethic. Further, a police officer's ability and willingness to obey orders is critical to the proper functioning and administration of the Chicago Police Department, which in turn is vital to the Chicago Police Department's ability to protect the public.”

Section D(2) further states: “An applicant who has been discharged or disciplined for offenses which include any act of dishonesty, incompetence, insubordination, absenteeism, tardiness, or failure to follow regulations will be found unsuitable for employment.”

Police Board Case No. 24 AA 53  
Findings and Decision

Applicant admits that he was asked to resign from his employment as a firefighter for the Lake Villa Fire Department due to “constant fatigue,” and his Chief stated that Applicant “just wasn’t what their department needed.”

Furthermore, Tesfai stated that Applicant was a lazy officer that he had to tell on multiple occasions to “do his job.” On one occasion, Applicant **refused** to write a police report, and Tesfai filed a district level formal complaint against Applicant. Tesfai (who is a Sgt. at the same Department where Applicant is attempting to be rehired) advised the R/I that he did not want to see Applicant return to the CPD. As a result, Applicant’s prior employment history could be considered grounds for disqualification based on Section D 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 prior employment history. In considering and weighing the 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: 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, Mareil  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, Mareil  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