

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
DENISSE [NAME REDACTED],) **No. 24 AA 54**
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 July 3, 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 34-page, May 3, 2024 Candidate Background Investigation Report (“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 the sections on Dishonesty and Violent Tendencies; Prior Employment; Other Conduct; and False Statements/Omissions/Failure to Cooperate in the Application Process (Collectively, “Notice”).

In an email dated August 16, 2024, Applicant notified the Office of Police Board that Applicant’s Appeal had been mailed by certified mail to the correct address, but had been returned. A photo of the returned envelope marked as mailed August 3, 2024 supported Applicant’s assertion. 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 November 7, 2024. Reply was filed on December 9, 2024.

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:

...

7. Other Criminal Conduct

...

b. Conduct Indicating Dishonesty

"(1) Credibility, honesty and veracity are extremely important characteristics for a police officer to possess on and off duty. Honesty is required to ensure the integrity of police operations and investigations and to protect the public and maintain its trust in the police. The pre-employment investigation therefore looks for information that shows that the applicant has a reputation or propensity for truthfulness, is believable and has a person history free from deceit or fraud."

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. 1-5)

Department cited the following conduct, in summary:

On August 22, 2022, at 2:20 a.m. a suburban police officer observed the vehicle Applicant was driving hit a curb, go up on the curb, reverse and re-enter the street, then go forward and hit and go up over the curb again. After being stopped and one of the Responding Officers ("R/O's) having viewed an open alcoholic beverage in the passenger door while interacting with the passenger, Applicant was approached on the driver's side. Applicant refused to present a driver's license and insurance card after repeated requests by the R/O, who told Applicant why she'd been stopped and why she needed to show the information. Applicant told the R/O Applicant did not have to show the license and insurance, denied being lawfully stopped, and that she was not going to show them. R/O was said to have described Applicant as "highly uncooperative," "hostile" and "argumentative." R/O reported "many" attempts to "diffuse the situation" and more than one warning that Applicant would be arrested if she refused to produce the license and proof of insurance. Applicant continued to refuse, was informed she was under arrest and ordered out of the vehicle. Applicant refused to exit, argued that R/O could not stop her or her vehicle, and again R/O explained the reason for the stop. After multiple orders to exit the vehicle, Applicant did not, and so R/O placed Applicant in a "control hold" and escorted her from the vehicle. It was reported that outside the vehicle, Applicant refused to place her hands behind her back when ordered to do so, and instead "pushed, struck, scratched, and kicked" the R/O to try to get away. R/O ordered

Applicant to stop resisting arrest, but she continued to be “belligerent.” R/O was able to cuff the right wrist, but Applicant pulled away and with her left arm continued to strike the R/O and she kicked. R/O cuffed the left wrist, but Applicant refused to enter the rear of the police vehicle, so R/O placed Applicant in another “control hold” and put her in the back of the police vehicle, where Applicant threw her body against the interior of the vehicle, while yelling profanities at the R/O. As a result of the interaction, the R/O reported he sustained injuries in the form of a laceration and an abrasion. Once at the police station, Applicant was placed in an interview room, was read her rights, but she continued to question why she was arrested. Applicant was shown R/O’s injuries to which Applicant was said to have responded, “How else was I suppose[] to get away?” Photographs of the R/O’s injuries were provided (a laceration on the arm). It was reported Applicant said she had one beer, was asked to submit to the field sobriety tests, but was unable to provide a preliminary breath sample. Subsequently Applicant was charged with Improper Lane Usage (625 ILCS 5/11-709) and failure to have insurance (625 ILCS 5/3-707) and citations for Disorderly Conduct/fighting and obstruction. The Case Summary showed the Improper Traffic Lane Usage and Operate Uninsured Motor Vehicle charges were non-suited in court. (Court Case Summary). Other court records showed dispositions of “guilty” for General-Disorderly conduct/fighting and Disorderly conduct-obstruction, each with \$250 fines, plus court fees and supervision. One of the R/Os searched Applicant’s bag as she was placed under arrest and found Applicant’s Chicago Police Recruit ID, contacted the Department and explained what had happened and was asked to forward the police report for the incident, which was subsequently emailed. When asked about the ID, Applicant told R/O that she was about one month into training. As a result of the incident Applicant was terminated from the Chicago Police Department, effective that same day. (Background Investigation Report, p. 3-5; Court Disposition Record 22-01627).

The Police Incident Report showed the R/O observed bloodshot/glassy eyes and an odor of alcohol when Applicant spoke, that at the station she complied with testing – failing the HGN (horizontal gaze nystagmus) test, passing the walk/turn/one-leg stand test and “was unable to provide a preliminary breath sample.” (Police Incident Report No. 22-01627)

A Petitioner for an Order of Protection filed against Applicant (who was listed as a girlfriend/dating relationship) August 2, 2022, cited the following conduct: Applicant made an unauthorized credit purchase of \$70 to pay a phone bill on July 24, 2022; called Petitioner over 50 times from various phone numbers on July 29, 2022; called Petitioner over 30 times from various phone numbers on July 30, 2022; and had threatened in the past to “brick my house.” A “Calls for Service” search at the Petitioner’s address revealed that three calls were made on February 21, 2022 between 2:00-3:00 a.m. asking police to remove Petitioner’s intoxicated and naked girlfriend (who he identified as Applicant) from his apartment, that while she did not have any weapons she was holding a mop – dispatcher noting they heard a female voice shouting in the background. The last call indicated that the girlfriend was not listening to the police officers and that he was told to call for a “white shirt” supervisor. Other calls for service were made between 4:00-4:30 a.m. on May 22, 2022 by Petitioner, complaining that Applicant was stalking him in a black Tesla parked outside his home, also noting Applicant tells everyone she’s a police officer, and that she had been “drinking.” The Petition also noted Applicant had been removed from the Petitioner’s home three times by police (Petition).

(Background Investigation Report, p. 1-8)

Basis #2

IV-D. Disqualification Based on Prior Employment History

1. “Police [o]fficers are required to work well with others, 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 [may] 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, [excessive] absenteeism or tardiness, or failure to follow regulations [may] be found unsuitable for employment.¹ (Background Investigation Report, p. 8)

3. Further, an applicant who, during previous employment, has engaged in any conduct that would have violated the Chicago Police Department's Rules and Regulations had the applicant been a Chicago Police Department employee, may be found unsuitable for employment. In addition, an applicant with a history of sporadic employment, evidenced by frequent changes in employment of short duration, may be found unsuitable for employment.”

“Violating Rules and Regulations of the Chicago Police Department:

V. Rules of Conduct

Rule 1: Violation of any law or ordinance.

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 6: Disobedience of an order or directive, whether written or oral

Rule 8: Disrespect to or maltreatment of any person, while on or off duty

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.” (Background Investigation Report, p. 13)

(Background Investigation Report, p. 5-7)

Department cited the following conduct, in summary:

The conduct on August 22, 2022 that led to Applicant's termination from Department described in Basis #1 above for which she was arrested, pled guilty and was ordered to pay fines, costs and placed on supervision.

Additionally, Applicant was asked to resign due to tardiness from her employment as a security officer at a suburban high school, as Background Investigator reported from a phone

¹ Department cited the Standards incorrectly in that it substituted “will” for “may” result in disqualification; omitted the word “excessive” for absenteeism and tardiness; and “will” be found unsuitable for employment, where the Standards indicate “may” be found unsuitable.

conversation with Applicant's then supervisor. Tardiness was the only issue. Background Investigator reported Applicant explained that at the time Applicant was staying with and helping care for her brother's children after the wife passed away. Applicant was reported to have said that she had received warnings about her tardiness, but continued to arrive late, so she was terminated. The Personal History Questionnaire ("PHQ") at Q#19 and Q#21 showed similar explanations.

(Background Investigation Report, p. 8-20)

Basis #3

IV-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 unsuitable for employments, but when taken as a whole, exhibit that the applicant is not suited for employment as a police officer, will be found unsuitable for employment. (Background Investigation Report, p. 20)
...
4. Any applicant who has engaged in conduct affecting public health, safety and decency, including but not limited to disorderly conduct, illegal gambling, child endangerment or other offenses may be found unsuitable for employment." (Background Investigation Report, p. 25)

Department cited, in summary, the conduct described in Bases #1 and #2 above.

(Background Investigation Report, p. 20-30)

Basis #4

IV-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 [expected]² 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 [could]³ 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." (Background Investigation Report, p. 30)

Department cited the following conduct, in summary:

Applicant did not disclose on her PHQ submission that she was the subject of an Order of Protection. However, when asked about an individual in the background interview, Applicant disclosed that the individual was the Petitioner in an Order of Protection filed against her, explaining that he had been a co-worker and she had forgotten about it, and that she went to court, and the Petition was dismissed. Applicant made additional notations regarding the same on the PHQ at that time. The Background Investigator reported that court records reflected the same. (Background Investigation Report, p. 31).

Department also cited Applicant's failure to disclose her contact with police that stemmed from the Calls for Service of which she was the subject as described in Basis #1 above. PHQ questions at Q#38, Q#39 and Q#42 ask Applicants whether they have appeared in court for any reason, been questioned by police regarding criminal matters or been the subject of a domestic related incident. Applicant marked "no" to all of the above. (PHQ).

(Background Investigation Report, p. 31-32)

² Department incorrectly cited as "required" instead of the language of the Standards which is "expected."

³ Department incorrectly cited as "shall" instead of the language of the Standards which is "could."

Applicant was born December 1994. Applicant was asked to resign from her security officer position in January 2020. Calls for Service for which she was the subject were February and May, 2022. Petition for Order of Protection was August 2, 2022. Disorderly conduct/driving incident was August 22, 2022. Termination from Chicago Police Academy was August 22, 2022. PHQ was submitted November 4, 2023.

Appeal

The following is a summary. Applicant asserted that she honestly forgot about the Petition for Order of Protection and that she corrected her PHQ to reflect the Petition once it was brought to her attention. Applicant asserted she had “paperclipped my citation papers of the incident but wasn’t able to discuss furthermore” with the Background Investigator. Applicant went on to write that if the Background Investigator was “investigating” her case that she should’ve taken notes on what Applicant was saying because it was an interview. Applicant asserted she had done nothing wrong and that when she met the sheriff that served the paperwork for the Petition she “broke down” and told the sheriff that “that guy was out to get me because he liked me and I wouldn’t give him a chance.” Applicant reported the sheriff told Applicant to file her own restraining order against the man, but that Applicant said she didn’t want any problems because she was in the police academy. Applicant explained that Petitioner took advantage of her kindness when Applicant helped him by driving him home from work when they both worked in security, that they worked an event for three days and formed a friendship “without knowing he became a stalker and later on go and get an order of protection on me.” Applicant said that she did not drive a black Tesla and was not at Petitioner’s home when the Calls for Service were made. Applicant said she stopped driving Petitioner home because he would not leave her alone, texting her from his cell phone, unknown numbers, mailing things to her parents’ house and leaving notes on her car at the

academy. Applicant provided photographs of a note on her vehicle windshield, allegedly from the Petitioner on August 19, 2022 (“I was working by you today. Swear, I think we are meant to be [heart] Love you!!), which Applicant said a Department officer saw (naming the officer). Applicant also provided a screenshot of a text message, also allegedly from the Petitioner, on August 17, 2022 (“[Name redacted] [.] Being in love with your best friend is natural and beautiful. You should admire and treasure that relation.” [with a photo of an unknown man and a woman behind the words]). Applicant stated that she did not charge her phone to the Petitioner, and provided paperwork showing her phone bills were for a different amount and since that time she has a different carrier with a phone under a different account holder.

Applicant reported having a “rough month” in 2022 when her son’s father died, she was served the Order of Protection, “targeted, and then fired from the Chicago Police Department.” Applicant wrote that she did not intend to cover up anything. Applicant also referenced “recent tickets that [she] received from the same suburban police department, which were also dismissed in court.”

Applicant wrote that she entered pleas of guilty to the disorderly conduct and driving without insurance municipal ordinances because “regardless if I didn’t do the crime because they told me they would upgrade my charge” and the lawyer told her it was the only option she had. Applicant wrote that she has tried to talk to the mayor of the suburb “various time through emails and calls” and “went out of [her] way to talk to a sergeant... and it took him almost two hours for him to speak to [her],” and that when he did he laughed at her and said there was nothing she could do because she already pleaded guilty. She wrote that she wanted to see all the video footage of the disorderly conduct/driving incident but “they denied me and said that they didn’t have body cams.” Applicant provided photos to show a car parked up on the curb where the disorderly

conduct was alleged to have occurred, to demonstrate she was parking where cars park. Applicant wrote that her passenger started yelling when they were pulled over and Applicant tried to calm her. She wrote that the R/O “aggressively” knocked on Applicant’s driver side window and “yelled, ‘Give me your license.’” Applicant said R/O told her that he stopped her for her tinted windows and expired “sticker,” and that Applicant told him there’d never been a problem with the tint and that her father always keeps the sticker up to date. Applicant wrote R/O told her he would tase and arrest her if she didn’t show her license, and that he didn’t give her a chance to get her license because he ”aggressively opened [her] door and pulled [her] out of the vehicle” and “aggressively” handcuffed her with cuffs that were very tight. Applicant wrote she found the whole thing traumatic, requiring therapy and a job to help pay her bills and feed her child, and suffered losses when the vehicle was towed and all her “equipment” stolen during the process.

Applicant provided names of individuals with phone numbers who she wrote know her to be a kind-hearted person with good morals and intentions – listing their occupations as one SWAT, one Aviation Police, three Police Officers and one firefighter.

(Appeal and attachments)

FINDINGS OF FACT

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.

If the Petition for Order of Protection was part of what Applicant described as a traumatic month, it is hard to believe that she would have forgotten it, and not initially have disclosed it on the PHQ. If the note left on her windshield and the screenshot of the text were from the Petitioner,

it would support Applicant's claim Petitioner wanted her attention after the Petition was dismissed. There is no documentation as to why the Petition was dismissed. Applicant denies she was at Petitioner's home when the Calls for Service were made, but the fact she didn't drive a black Tesla is not conclusive. The calls were made in February and May and Applicant was named in the calls. It is unclear whether police removed a female. There was no indication Background Investigator contacted the Petitioner. However, given Applicant conveniently omitted the Petition for Order of Protection in her PHQ, and did not disclose it until asked who the Petitioner was, Applicant's credibility as to the events was also put into question. By a preponderance of the evidence, **Applicant DID NOT** provide sufficient additional facts directly related to and/or did not adequately specify why the Department erred in its factual determinations as to the disqualification based on the conduct complained of in the Petition for Order of Protection and Applicant's failure to disclose it on the PHQ.

Applicant pleaded guilty to disorderly conduct and driving without insurance, paid fines, costs and was placed on supervision. Applicant gives a very different account than the R/O's of what happened during the driving incident that resulted in her arrest. The documented account by the R/O is credible, as is the photo of his injury. Applicant gives no explanation as to why there was an open container of alcohol in her vehicle and offers no explanation why her version is so different except to say the R/Os were provoked by her passenger. By a preponderance of the evidence, **Applicant DID NOT** provide sufficient additional facts directly related to and/or did not adequately specify why the Department erred in its factual determinations.

As it relates to Applicant's employment history, Applicant was terminated from Department after the disorderly conduct incident. She was also asked to resign her employment as a security officer due to tardiness, which she does not deny. By a preponderance of the evidence,

Applicant DID NOT provide sufficient additional facts directly related to and/or did not adequately specify why the Department erred in its factual determinations as to prior employment history.

The conduct described within the Petition for Order of Protection and disorderly conduct occurred within 21 months prior to the November 2023 submission of the PHQ. Her termination from Department was 15 months prior to the PHQ submission. Her separation from employment as a security officer was in 2020.

CONCLUSIONS OF LAW

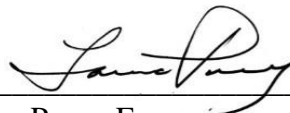
Pursuant to the Municipal Code of Chicago (“MCC”) 2-84-030 the standard of review for appeals of disqualification and removal of an applicant’s name from the Eligibility List is that Applicant shall show by a preponderance of evidence that Department’s decision to remove the applicant from the Eligibility 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: January 13th, 2025

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 6 in favor (Kyle Cooper, Claudia Badillo, Steven Block, 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, Claudia Badillo, Steven Block, Kathryn Liss, Andreas Safakas, and Justin Terry.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 16th DAY OF JANUARY 2025.

Attested by:

/s/ KYLE COOPER
President

/s/ MAX A. CAPRONI
Executive Director