

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)	
[NAME REDACTED],)	No. 24 AA 55
APPLICANT FOR THE POSITION OF)	
POLICE OFFICER,)	(Applicant No. [redacted])
CITY OF CHICAGO.)	

FINDINGS AND DECISION

[Name redacted] (hereinafter referred to as “Applicant”) applied for rehire as police officer with the City of Chicago. In a letter dated July 3, 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 24, 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 October 3, 2024, OPSA filed with the Police Board a copy of the Notice and its response to Applicant’s Appeal (“Response”). On November 2, 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

1. One purpose of the pre-employment investigation is to determine whether the applicant has engaged in criminal conduct. This is important because the police hold a unique position of public trust and are tasked with protecting the public and enforcing the law. Even more than other City employees, Chicago Police Department officers are specifically tasked with and sworn to uphold the law. Therefore, an applicant may be disqualified from consideration for a police officer position if there is evidence that the applicant has engaged in criminal conduct, even if the applicant was never convicted of any criminal offense.
5. The Standards are as comprehensive as possible; however as noted above, they cannot encompass every possible scenario. Failure to enumerate any particular offense does not exclude such offense from being the basis for disqualification. Commission of any criminal or quasi-criminal act may result in disqualification from employment as a Police Officer if it is determined that the acts or omissions of the applicant make him or her unsuitable for the position of Police Officer.

Violations: CPD Rules and Regulations

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 7 Insubordination or disrespect toward a supervisory member on or off duty.

Rule 9 Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Rule 15 Intoxication on or off duty.

Illinois Statutes:

Resisting/obstructing/peace Officer/Corr Emp/Frfrtr 720/LCS 5.0/31-1-1-A
Criminal Damage to Property 720/LCS 5.0/21-1-1-A
Theft 720ILCS 5/16-1

Department Orders

Special Order S08-0J-I0 Special Situations Involving Allegations of Misconduct

NOTE: The newly signed 2022 Illinois Safe Act by Governor Pritzker has a clause under the Police Training Act that an officer's certification is automatically revoked upon the conviction, or plea of guilty of a felony or certain misdemeanors or crimes of moral turpitude. Resisting or Obstructing a Police Officer is one of the decertifiable crimes listed and will be shared with the National Decertification Index and maintained in by the International Association of Directors of Law Enforcement Training Standards.

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.
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.

Violation: CPD Rules and Regulations

Rule 29 Failure to be prompt for duty assignment, including roll call and court appearance.

F. Disqualification Based on Membership or Association with Criminal Organizations

1. Police officers are charged with upholding the law and defending the public from criminal activity. An applicant who is a member or affiliate of any criminal organization, including but not limited to a street gang, will therefore be found unsuitable for employment.
2. Prior membership or affiliation in a criminal organization may be grounds for disqualification. An applicant who is a former member or affiliate of a criminal organization will be required to produce acceptable evidence to show that the membership in or affiliation with the criminal organization ceased for a period of five (5) years (from the date of PHQ submission) or more prior to the date of application, and that the applicant has no current membership or affiliation with any criminal organization at the time of processing or hire.

Violation: CPD Rules and Regulations

Rule 2 Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Applicant was disqualified by OPSA based on criminal conduct, prior employment history, and membership or association with criminal organizations. OPSA asserts that in 2007, Applicant received supervision for Driving Under the Influence, and in 2011, Applicant pled guilty to resisting arrest and criminal damage to property.

Applicant was also involved in two domestic disputes with his wife and is alleged to have been involved in two gang related incidents, one of which resulted in Applicant being shot in the hand.

Furthermore, Applicant was hired as a Chicago Police Officer on two prior occasions but resigned. In February, 2023, Applicant resigned from the CPD after a month, and in May, 2023, he resigned after only 8 days.

Appeal, Response, and Reply

Applicant appeals the decision, stating that his criminal conduct occurred over 13 years ago, and he is in the process of sealing and/or expunging his record. Applicant explains that he previously resigned from the CPD due to domestic issues with his wife, but they are divorced now. Applicant denies being involved in any criminal organizations, and states that he is being mischaracterized due to his clothing and hairstyle choices.

Applicant asserts that he has worked for Comcast for the last eight years, and no disciplinary actions have been taken against him. Applicant is eager to pursue his dream of becoming a police officer and is committed to serving the citizens of Chicago.

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, Prior Employment History, and Membership or Association with Criminal Organizations). OPSA states that the evidence in Applicant's file supports its decision to disqualify Applicant from hiring, and the OPSA is within its right to do so, citing *Apostolov v. Johnson*, 2018 IL App (1st) 173084; ¶¶ 24, 31 and *Johnson v. O'Connor*, 2018 IL App (1st) 171930, ¶¶ 16-17, 20.

OPSA adds that Applicant's past actions revealed that had he been in their employ, he would have been in violation of multiple CPD Rule violations, each of which would serve by themselves as grounds for disqualification. OPSA states that Applicant's history is extremely troubling and has demonstrated that he 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 argues that the criminal conduct alleged happened over a decade ago. He states that although his background "may seem troubling," there have only been two prior "events"- a DUI that took place over 17 years ago when he was "barely legal," and a resisting arrest charge over 13 years ago. Applicant reiterates that he is in the process of getting his record sealed/expunged, and that he was truthful and honest during the investigation. Applicant notes that the CPD was aware of his criminal record prior to his first two hires, and that the current CPD Investigator did not review his application fairly.

Applicant explains that he has grown and matured since these incidents took place and is a completely different person now. He says that he tries to be a law-abiding citizen and hasn't gotten into trouble in over a decade.

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 criminal conduct, prior employment history, and membership or association with criminal organizations 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.

Criminal Conduct

In 2011, Applicant was arrested after engaging in a physical altercation at a bar. According to the police report, when CPD arrived on the scene, they observed Applicant breaking the front

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window of a bar with his fist. Applicant and his friends had been escorted out of the bar after an altercation with the bouncers. When the sergeant attempted to place Applicant into custody, he ran out into the street blocking the flow of traffic. Applicant was placed into custody with cuts on his hands from striking the window. Applicant subsequently pled guilty to resisting arrest and criminal damage to property. He was assessed fees and required to perform community service.

Applicant explains that when he and his friends tried to dance on the dance floor, they were escorted out of the bar by the bouncers. When they got outside, the argument between his friends and the bouncers became physical, and Applicant tried to “intervene and break up the fight.” Applicant claims that when the police arrived, one of the officers (Sergeant of Police) grabbed him from behind. He states that he pushed the Sergeant away not knowing that he was a police officer. Applicant says that while the altercation was taking place the front door window shattered. Applicant does not know how it broke but admits that he had been drinking and was intoxicated at the time.

Applicant was arrested in 2007 for DUI, speeding, and failure to signal. He pled guilty to DUI and received court supervision. Applicant was also involved in two domestic incidents with his wife-one in 2015 and one in 2023. In 2015, Applicant called the police on his girlfriend (now wife) for slapping him. In 2023, Applicant’s wife called the police because he removed the plates from her vehicle and had a weapon. Applicant’s wife stated that he removed the plates out of “jealousy,” believing that other people had been using the truck. No arrests were made in either incident.

Applicant states that his arrests happened when he was young, and he has learned from his mistakes. He claims that the incidents with his wife were misunderstandings, and that he

removed the plates from her vehicle in order to “give it to her.” He maintains that there were never any arrests or police involvement in their issues.

Prior Employment History

Applicant was initially hired by the Chicago Police Department on February 1, 2023, but resigned on March 3, 2023, citing the demanding nature of the job and the start of marital issues. Applicant reapplied and was rehired on May 1, 2023, but resigned again after just 8 days (on May 9, 2023) due to ongoing domestic problems with his wife.

Applicant explained that his first resignation was due to not knowing what to expect from the job, being reluctant to leave his long-term role at Comcast, and his wife’s insistence that he spend more time at home. Applicant states that he reapplied because he always wanted to be a police officer, and his wife agreed to support him. However, ongoing domestic issues led to his second resignation.

When the R/I asked Applicant what made his third application different, Applicant stated that although he and his wife were still living together as "roommates," they were in the process of getting a divorce. He noted that his wife filed for divorce in November 2023, but the process stalled due to paperwork issues.

When interviewed by the R/I, Applicant’s wife stated that they had a “good and happy relationship” with ups and downs, and that she and Applicant were no longer living together because they were in the process of a divorce. She recommended Applicant for a police officer position, stating that he is “a people person and likes to help others.”

Applicant’s employment check revealed that he was reprimanded and eventually terminated in 2010 by Marriott O’Hara for repeated tardiness; Applicant reported that he

resigned.

Applicant explains that this is his third time applying for the CPD, and in his previous attempts, he passed all background checks but had to resign both times due to family issues related to his ex-wife. Applicant states that for the last eight years, he has worked for Comcast as a Communications Specialist and has never been disciplined. Applicant says that now that he is divorced and living in his own apartment, he is ready and eager to pursue his dream of becoming a police officer.

Membership or Association with Criminal Organizations

In 2008, Applicant was the victim of a shooting where he was injured in the hand and his friend was shot in the head. The incident occurred when Applicant's friends came to pick him up and another vehicle followed them and shot into their car. The offenders, later identified as Latin Kings, admitted that they were looking for rival gang members ("Folks"), and believed Applicant and his friends were Folks due to their appearance and location in "Folks territory." The case related to the shooting was eventually dropped, with charges dismissed for all offenders except the shooter, who was charged with a firearm offense.

During an interview with the R/I in April 2024, Applicant denied any involvement or association with gang members. Applicant explained that he may have been targeted because of his hairstyle and clothing, which resembled gang members. Despite the denial, a polygraph test in December 2022 revealed an "inconclusive response" regarding gang activity, and Applicant did not provide further details. Applicant lived in a "Folks" gang territory, and the opposing gang members claimed that one of the individuals in the Applicant's group had thrown a gang sign in a separate incident.

Another incident linking Applicant to gang activity is an arrest under police report #HT263552. Officers allege that Applicant was associated with a northside gang (Latin Jivers, part of the "Folks" faction) through the identification of his co-arrestee's gang-related tattoo. While the R/I admits that there is no conclusive evidence that Applicant is a gang member, his involvement in incidents connected to gang activity raises concerns about possible gang affiliations.

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, prior employment history, and membership or association with criminal organizations.

Membership or Association with Criminal Organizations

Section F(1) of the Standards states: "Police officers are charged with upholding the law and defending the public from criminal activity. An applicant who is a member or affiliate of any criminal organization, including but not limited to a street gang, will therefore be found unsuitable for employment." Applicant has been arrested several times for possible gang-related incidents. In one instance, Applicant was shot in the hand, and his friend was shot in the head. Applicant lives in Folks gang territory, and opposing gang members reported to police that an individual in Applicant's group threw up a gang sign. In addition, an individual that Applicant was arrested with had a gang-related tattoo.

Although there is a possibility that Applicant may have been involved in gang-related

activity and/or affiliated with gang members at some point, OPSA has failed to present sufficient evidence to disqualify Applicant based on Section F(1) of the Standards.

Criminal Conduct

Section B(1) of the Standards states: “One purpose of the pre-employment investigation is to determine whether the applicant has engaged in criminal conduct. This is important because the police hold a unique position of public trust and are tasked with protecting the public and enforcing the law. Even more than other City employees, Chicago Police Department officers are specifically tasked with and sworn to uphold the law. Therefore, an applicant may be disqualified from consideration for a police officer position if there is evidence that the applicant has engaged in criminal conduct, even if the applicant was never convicted of any criminal offense.”

Applicant was arrested and pled guilty to DUI in 2007. In addition, after a physical altercation at a bar in 2011, Applicant was observed by the CPD breaking the front window with his fist and pushing an officer who tried to restrain him. Applicant pled guilty to resisting arrest and criminal damage to property. As a result, Applicant’s criminal conduct could be considered grounds for disqualification under Section B(1) of the standards. Applicant’s criminal conduct could also be grounds for disqualification based on multiple CPD Rules and Regulations, as well as Special Order S08-01-10.

Prior Employment History

Section D(3) of the Standards states: “... 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.” Applicant was hired by the Chicago Police Department on two prior occasions. In each of these instances, Applicant resigned after a very short period of time. Applicant’s total tenure with the CPD was less than 45 days. These short stints could be found to indicate instability in Applicant’s work history, and grounds for disqualification based on Section D(3) of the Standards.

Based on the details provided in the Notice and Response, Applicant’s past conduct is grounds for disqualification based on Sections B(1) and D(3) of OPSA’s Standards, CPD Rule Numbers 1, 2, 7, 9, 15, and 29, and Special Order S08-01-10.

No additional facts, evidence or arguments were submitted in Applicant’s Appeal that support his contention that Department erred in disqualifying Applicant based upon his criminal conduct and prior employment history. 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 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: 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 19th DAY OF DECEMBER 2024.

Attested by:

/s/ KYLE COOPER
President

/s/ MAX A. CAPRONI
Executive Director