

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 24 AA 58**
APPLICANT FOR THE POSITION OF)
POLICE OFFICER,) **(Candidate 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 July 16, 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 September 12, 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 28, 2024, OPSA filed with the Police Board a copy of the Notice and its response to Applicant’s Appeal (“Response”). Applicant did not file a Reply. 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

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. Applicants with a history of criminal conduct that falls within the Department's disqualification standards are deemed unable to protect the public and its trust in the police. It is the conduct itself, not the fact that the applicant was convicted, that makes the applicant unsuitable for employment.
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.

6. Felonies

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

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 personal history free from deceit or fraud.
2. Any conduct demonstrating a reputation or propensity for dishonesty will be grounds for disqualification. Conduct demonstrating a propensity for dishonesty includes but is not limited to conduct that would constitute theft; embezzlement; forgery; false impersonation; identity theft; bribery; eavesdropping; computer crimes; fraud; money laundering; deceptive practices; or perjury.
3. 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.

D. Disqualification Based on Prior Employment History

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, absenteeism tardiness, or failure to follow regulations may be found unsuitable for employment.
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.

G. Disqualification Based on Indebtedness

2. Any applicant who owes a debt to the City of Chicago at any time during processing will be given a reasonable amount of time to clear those debts. Any

applicant who owes a debt to the City of Chicago at the time of hire will be found unsuitable for employment.

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

Applicant was disqualified by OPSA based on criminal conduct, criminal conduct indicating dishonesty, prior employment history, and indebtedness. Applicant was terminated from her employment at True Religion in May 2014 due to her involvement in a felony theft ring. She also admits to stealing from Walmart and Target while in her 20's, and to purchasing stolen goods in 2020.

Applicant was terminated from Advocate Medical Group ("Advocate") in 2018 for tardiness and absenteeism, and from Comprehensive Prosthetic and Orthotics ("Comprehensive") in 2016 for insubordination. Applicant also admits to breaking into a home with her child's father after being evicted so that she could trash the place "more than it already was to give the new buyers more to do." Furthermore, Applicant has seven outstanding traffic, parking, red light, and speed tickets totaling \$611.76.

Appeal and Response

Applicant argues that her disqualification was based on incidents from "over eight years ago" that she voluntarily disclosed during the application process. She emphasizes her honesty and transparency, citing CPD rules and values set by former Superintendent Eddie Johnson, who "encouraged officers to admit mistakes rather than cover them up."

Applicant asserts that her past actions occurred during a time of psychological development and personal uncertainty, noting that the person she is today is more focused on the future. Applicant expresses disappointment that her honesty was used against her and feels that her past actions should not permanently disqualify her from becoming a Chicago Police Officer.

Applicant underscores her deep ties to Chicago, describing her upbringing in the city, her diverse life experiences, and her work at Metropolitan Family Services (“MFS”), which supports Chicago families. Applicant has also obtained certifications in mental health first aid, first aid, and CPR from MFS, and provided copies in her Appeal.

Applicant pleads for reconsideration, referencing CPD's recruitment goals and her connection to the police force through her father and sister. Applicant states that she is now on a payment plan for her outstanding tickets, and provides letters of support from a client, neighbor, and former co-worker, who commended Applicant's character and growth.

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, Other Criminal Conduct Indicating Dishonesty, Prior Employment History, and Indebtedness). 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 (1st) 173084; ¶¶ 24, 31 and *Johnson v. O'Connor*, 2018 IL App (1st) 171930, ¶¶ 16-17, 20.

OPSA asserts that Applicant's multiple instances of theft are extremely troubling and demonstrate that she 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.”

OPSA notes that had Applicant been in their employ, she would have been in violation of multiple CPD Rules and Regulations, 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, conduct indicating dishonesty, prior employment history, and indebtedness 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

Applicant was terminated from her employment at True Religion in May 2014 due to her involvement in a theft ring. Applicant was accused of assisting coworkers in stealing merchandise by removing sensors and giving high-value items to customers without payment. Surveillance footage and a statement by the store's district manager provided evidence of the theft. According to reports, twenty-two pairs of jeans were "passed" on May 3, 2014 by Applicant, with a value of \$3,690.00. The total value of the items stolen amounted to a felony. Applicant was taken into custody and provided a written confession. The district manager stated that if Applicant made restitution, payment would be accepted, and True Religion would not pursue the matter further. Applicant's sister arrived at the Rosemont Police Station and provided a cashier's check to True Religion for the full value of the stolen items. Applicant was subsequently released without charges.

In her polygraph examination, Applicant also admitted to committing other criminal acts,

including breaking into a previously rented home to trash it, purchasing stolen goods, and stealing from Walmart, Target, and other stores. Applicant asserts that her past should not be used against her, as she has learned and grown from her mistakes.

Conduct Indicating Dishonesty

In addition to the above, Applicant gave inconsistent stories during the CPD application process in relation to her felony theft from True Religion. She advised the Kentech Investigator that she was not arrested or charged like the other employees because she did not benefit from the theft. However, during her polygraph examination, Applicant revealed that the charges were dropped in exchange for a restitution payment.

In her Appeal, Applicant states that she was open and transparent during the application process and expresses disappointment that her honesty was used against her.

Disqualification Based on Prior Employment History

Applicant was terminated from her employment at True Religion in May 2014 due to her involvement in the theft ring. She was also terminated from Advocate in 2018 for tardiness, and from Comprehensive in 2016 for insubordination.

Applicant maintains that while working at True Religion, she only removed the anti-theft tags from clothes to assist her co-workers. She stresses that she never personally took any merchandise and was never charged like the rest of her co-workers. She states that because she was involved in the theft ring, she was terminated.

Applicant states that while working at Advocate, it was “virtually impossible” to get there on time due to city traffic and getting her daughter to school. Therefore, she was consistently late, and her employer did not give her a “grace period.” As a result, she was terminated.

Applicant shares that she and her supervisor at Comprehensive “constantly bumped

heads” and got into arguments “a few times” due to a tense job atmosphere. She states that she and her supervisor “had attitudes with each other” on a regular basis, and Applicant was eventually terminated.

Disqualification Based on Indebtedness

Applicant has seven outstanding parking, traffic, red-light, and speed tickets totaling \$611.76. Applicant states that she is on a payment plan with the city of Chicago and hopes to pay the balance off early.

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.

Disqualification Based on Criminal Conduct

Section B(6) of the Standards states: “An applicant who has engaged in any conduct which would constitute a felony **is not eligible for employment.**” (Emphasis Added.) Applicant was involved in a theft ring while working for True Religion, and the theft amount constituted a felony. This conduct alone is grounds for Applicant’s disqualification based on the Standards.

While Applicant argues that she was never charged with the theft, Section (B)(1) states: “...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. Applicants with a history of criminal conduct that falls within Department's disqualification standards are deemed unable to protect the public and its trust in the police. It is the conduct itself, not the fact that the applicant was convicted, that makes the

applicant unsuitable for employment.”

In her polygraph examination, Applicant also admitted to being involved in other criminal acts, including breaking into a previously rented home to trash it, purchasing stolen goods, and stealing from Walmart, Target, and other stores.

As a result, Applicant’s criminal conduct (particularly the felony theft) could be considered grounds for disqualification based on Section B of the standards, multiple CPD Rules and Regulations, and Illinois law.

Conduct Indicating Dishonesty

Section B(7)(b)(2) of the Standards states: “Any conduct demonstrating a reputation or propensity for dishonesty may be grounds for disqualification. Conduct demonstrating a propensity for dishonesty includes but is not limited to conduct that would constitute theft; embezzlement; forgery; false impersonation; identity theft; bribery; eavesdropping; computer crimes; fraud; money laundering; deceptive practices; or perjury.”

Applicant admitted to numerous instances of theft, including felony theft from her employer. As a result, Applicant’s conduct indicating dishonesty could be considered grounds for disqualification based on Section B(7)(b)(2) of the standards, multiple CPD Rules and Regulations, and Illinois law.

Prior Employment History

Section D(2) of the Standards states: “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, absenteeism, tardiness, or failure to follow regulations may be found unsuitable for employment.”

Applicant was terminated from her employment at True Religion for theft, terminated from Advocate for tardiness, and terminated from Comprehensive for insubordination. As a result, Applicant's prior employment history could be considered grounds for disqualification based on Section D(2) of the standards.

Indebtedness

Section G(2) of the Standards states: "Any applicant who owes a debt to the City of Chicago at the time of hire will be found unsuitable for employment." Applicant currently has driving citations totaling \$611.76. As a result, Applicant's Indebtedness could be considered grounds for disqualification based on Section G(2) 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 on her criminal conduct, conduct indicating dishonesty, prior employment history, and indebtedness.

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: January 13, 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