

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED]) **No. 24 AA 61**
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 16, 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 May 9, 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 Conduct Affecting Government Functions; Prior Employment History; Membership or Association with Criminal Organizations; and False Statements/Omissions/Failure to Cooperate in the Application Process (Collectively, "Notice").

In an email dated September 13, 2024, 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 on November 4, 2024. No Reply was filed.

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." (Background Investigation Report, p. 1)

...

e. Conduct Affecting Government Functions

“Police officers are required to respect the functions of other public service employees and their ability to do so is vital to the Chicago Police Department’s mission to protect the public and its trust in the police. Therefore, any conduct adversely affecting government functions will be grounds for disqualification. Conduct adversely affecting government functions includes but is no limited to, conduct which would constitute treason, interference with public officers, interference with penal institutions, interference with judicial procedure and official misconduct. As noted above, an applicant who has engaged in an 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. 3)

Department cited the following conduct, in summary:

Per documents reviewed by Background Investigator, Applicant was a Probationary Police Officer in a suburban district who knowingly had a continuing personal relationship with someone Applicant knew to be an active street gang member involved in “serious violations of state and federal laws.” It was reported Applicant admitted disclosing to the gang member confidential and protected police department intelligence; that the gang member contacted Applicant to tell him he was the victim of a gang-related shooting and other information regarding the shooting which Applicant failed to report to Applicant’s supervisor, detectives or other on-duty officers, and failed to provide the information he received as evidence from the gang member or complete an official report as required about the encounter. Per Background Investigator, the suburban district considered these actions violative of its rules regarding: incompetence, negligence or inefficiency in performing duties; personal association with persons demonstrating recurring involvement in serious violations of state or federal laws after knowing or reasonably should have known of the involvement; and unauthorized disclosure of official information and active or protected investigation information. (Background Investigation Report, p. 2)

Background Investigator reported that during the April 16, 2024 interview, Applicant related that Applicant resigned after a meeting with the suburban police commander, sergeant and detective regarding a shooting that occurred in the area, that Applicant’s sister’s boyfriend, a known “street gangster” called Applicant and told him that he had been shot. Applicant was reported to have said that he now realizes he did not follow protocol in reporting it through the chain of command. (Background Investigation Report, p. 2)

The pre-polygraph exam admissions report that Applicant disclosed he was asked to resign

from the suburban police department because he gathered intelligence about a shooting without properly registering his sister's boyfriend as a confidential informant (Polygraph Detailed Pre-Test Admission).¹

Background Investigator reported viewing Applicant's personnel file at the suburban police district April 30, 2023 and that it showed Applicant was hired June 2021 and resigned September 2022. Background Investigator also met with a police captain who said that after meeting with the Applicant, sergeant and commander regarding the incident, Applicant resigned. (Background Investigation Report, p. 3-4)

Basis #2

IV-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, excessive absenteeism or 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." (Background Investigation Report, p. 5)

Violating Rules and Regulations of the Chicago Police Department:

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 4 - Any conduct or action taken to use the official position for personal gain or influence

Rule 5 - Failure to perform any duty

Rule 11 - Incompetency or inefficiency in the performance of duty

Rule 21 - Failure to report promptly to the Department any information concerning any crime or other unlawful action

¹ Appeals Officer notes that Applicant checked the box "No" on the PHQ where it asked if he had ever been terminated from or asked to resign any job (PHQ at Q#19).

Rule 47 – Associating or fraternizing with any person known to have been convicted of any felony or misdemeanor, either State or Federal, excluding traffic and municipal ordinance violations.

(Background Investigation Report, p. 6-7)

Department cited, in summary, the conduct described in Basis #1 above. (Background Investigation Report, 5-7).

Basis #3

IV-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.” (Background Investigation Report, p. 7)

Department cited, in summary, the conduct described in Bases #1 above, as it relates to the interactions with a known street gang member. (Background Investigation Report, p. 7)

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. 8)

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.”

Department cited the following conduct, in summary:

Applicant did not reply to Background Investigator's January 9, 2024 introductory email and request for required documents until March 9, 2024 when Applicant inquired as to whether the paperwork would still be accepted and relating that he "had a rough couple months." Department also cited Background Investigator's interview with Applicant on April 16, 2024 described in Basis #1 above, adding that Background Investigator at that time informed Applicant that all requested documents were still needed, to which Applicant replied he would send immediately. Documents were not received as of the close of the Background Investigation Report on May 9, 2024. (Background Investigation Report, p. 8-9)

Applicant was born March 1989 (Background Investigation Report, p. 1). PHQ was submitted November 3, 2023 (PHQ). Resignation from suburban police department was September 2022 (PHQ at Q#17).

Appeal

The following is a summary. The totality of Applicant's appeal consists of one email chain with the Office of Police Board on September 13, 2024. The substance of the first email reads, "I would like to appeal the disqualification decision for the Chicago Police Officer position." The substance of the second email reads, "There are Facebook posts showing the alleged 'confidential' information I released was not confidential and was freely given out by the West Chicago PD. I was said to have an 'on going relationship' with a gang member which is entirely inaccurate." (Appeal)

FINDINGS OF FACT

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.

The only conduct Applicant addressed was disclosure of confidential information regarding the contact he had with a member of a street gang, and that the description of his association with that gang member as an “on going relationship” was “inaccurate.” Street gangs are considered criminal organizations. Applicant’s assertion that the description is “inaccurate,” does not deny that there was an association with a member of a criminal organization. Two different Department investigators, the Background Investigator and the Polygraph Examiner reported Applicant admitted to interacting with a gang member, his sister’s boyfriend, and not reporting it to the police department in which he was a Probationary Police Officer, knowing the individual had just told Applicant he had been involved in shooting. The suburban police department captain, commander and sergeant who met with Applicant regarding his contact with the gang member reported Applicant disclosed that he talked to his sister’s boyfriend, knew he was a gang member and told Applicant he was shot in what Applicant knew or should have known was related to an active investigation, and Applicant failed to disclose that conversation to anyone at the department. 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 conduct regarding the information given to him by and his association with the gang member as described by Department.

No other conduct was denied by Applicant.

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

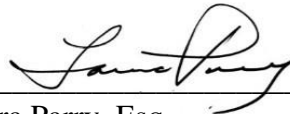
applicant from the Eligibility List was erroneous (MCC 2-84-035(c)).

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