

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 24 AA 63**
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 August 27, 2024, and sent to Applicant via email on that date, the Office of Public Safety Administration (“OPSA”) gave Applicant written notice of the 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 notice of the right to appeal (“Disqualification Decision”).

On October 2, 2024, Applicant filed with the Police Board an email and letter appealing the Disqualification Decision pursuant to Section 2-84-035(b) of the Municipal Code of Chicago (“Appeal”) and a subsequent series of emails on October 3, 24, 25 and 27, 2024 that contained additional support documentation that Applicant explained would not fit within the allotted file size for a single email. OPSA did not file a response to the Appeal.

Police Board Appeals Officer Laura Parry reviewed the Disqualification Decision and the Appeal and any supporting documentation.

APPEALS OFFICER’S FINDINGS, CONCLUSIONS, AND RECOMMENDATION

Appeals Officer 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.

Disqualification Decision

According to the Disqualification Decision, Applicant was removed from Eligibility List for the following reasons.

Basis #1

[IV.D.] Disqualification Based on Prior Employment History¹

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 her or his work to acceptable standards; and come to work on time and on a regular basis.]²
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.

OPSA cited the following conduct, in summary:

CPD Disobedience, Disrespect/Maltreatment/Engaging in Unjustified Verbal or Physical Altercation - January 04, 2019. A two-day suspension was ordered for the violations sustained by the Bureau of Investigations Administration/COPA. Background Investigator noted Applicant failed to complete a case report to document an incident and failed to immediately notify a supervisor and/or prepare a written report to his commanding officer after becoming

1 Section IV.D. of OPSA Special Order 21-01—Pre-Employment Disqualification Standards for Applicants for the Position of Police Officer.

2 The OPSA Background Investigation Summary omitted Item 1 from its listing of the disqualification standards.

aware of an allegation of misconduct in violation of rules and regulations. It is reported Applicant told COPA that he and his partner responded to a disturbance in which an off-duty police officer said he was trying to install something in a unit that a tenant wouldn't let him into. After talking to the tenant, which Applicant believed was the caller, she told him that the off-duty officer forced his way in, and she hit the wall bruising her leg, but that he decided it was a landlord-tenant civil issue. No report for battery was made because Applicant did not see any evidence of battery.

Cicero Police Department Evaluations Leading to Separation. Applicant resigned in lieu of termination from a police officer position with the Cicero Police Department, where he was employed from July 18, 2022 - January 17, 2024.

Background Interviewer reported that in an October 20, 2023 performance evaluation in the areas Quality of Service and Job Knowledge Applicant was marked as competent in three areas and "needs improvement" in others, citing the evaluation by the shift lieutenant/watch commander making the report that Applicant, "shows improvements but he falls back to unacceptable work requirements. He does have a positive attitude, and although he acknowledges feedback, he does not implement the suggestions provided to him. He requires constant oversight and lacks attention to detail." Background Interviewer also cited a November 30, 2023 evaluation by the Deputy Superintendent, "The performance evaluation provide[d] does not appear to meet standards for a probationary officer. Given that 13 out [of] 288 categories "[n]eed improvement," a remedial training action plan appears to be warranted address these issues." On December 04, 2023, The First Deputy Superintendent stated, "I concur with an immediate action plan" on the evaluation.

On October 21, 2023, a sergeant submitted a Formal Recommendation for Separation

citing eight incidents of conduct that occurred during Applicant's training with the Cicero Police Department. Background Investigator noted that the Cicero Police Department noted that despite extensive training at the Chicago Police Academy, service training with the Cicero Police Department and Field Training in excess of four (4) months, Applicant "lacks the necessary capabilities to function as a self-sufficient, professional Police Officer with the Cicero Police Department." Another memo from the Captain noted that he agreed with the assessment and after having discussed Applicant with the sergeant who counseled Applicant on three occasions. The Deputy Superintendent was reported to have said he reviewed all the relevant documents and concluded the same, that Applicant engaged in or displayed behavior that includes incompetency, disrespect/insubordination, unacceptable personal appearance and excessive sick days.

It was reported that a review of footage of Applicant's 18 Month Scaffolding Review, revealed a deficiency in following through with paperwork and reports for a traffic crash/hit and the incident in which Applicant was alleged to have failed to properly detain a female passenger after finding a loaded firearm in the vehicle. Applicant told Background Investigator he passed the 18 Month Scaffolding Review but at the end of the probationary period he was let go due to Officer Safety issues.

Instances of Applicant's conduct alleged to have demonstrated the disqualification based on Prior Employment History include the following.

Applicant Out of Uniform in Court - December 14, 2022.

Failure to Actively Patrol - December 14, 2022. It was reported Applicant was assigned a robbery detail and told to actively patrol the area but remained stationary for hours.

Failure to Keep Clean Uniform - December 29, 2022. Applicant was seen with the same

stains on his pants during a meeting with the sergeant who again addressed the stains with Applicant, as he had done about the same stained-pants five days earlier. Background Investigator reported Applicant during the interview said that he'd received counseling for his uniform and said, "I believe Sergeant [Name redacted] didn't like me. He would always be on me for some reason or another. I did what was asked of me and went over and beyond my duties. Last month I recovered a gun no one else saw."

Improperly Completed DUI Report Verbal Counseling - January 22, 2023. Another sergeant verbally counseled Applicant regarding an improperly completed DUI Sworn Report that was rejected by the Secretary of State.

Signs of Insubordination During Roll Call - January 25, 2023. Applicant was reported to shake his head in disagreement as the Captain discussed department policies and procedures.

Failure to Provide Information as Required - January 29, 2023. Applicant was said to initially refused to provide the necessary information until instructed to do so by another sergeant.

Verbal Counseling in re Sick Time - February 28, 2023. The sergeant who saw the stained pants twice on Applicant joined with another sergeant to advise Applicant he has exhausted his sick time.

Failure to Assign Valid Court Date - July 23, 2023. Applicant assigned a court date for a criminal complaint on a Saturday.

Verbal Counseling for Improper DUI Paperwork - July 24, 2023. Yet, another sergeant verbally counseled Applicant after receiving an email from the Illinois Secretary of State about improper paperwork submitted for a DUI investigation.

Failure to Secure Detainee Who Escaped - July 27, 2023. While transporting someone in

custody Applicant allowed the subject to escape the rear of the squad car on Cermak Road. The body cam video was reviewed by a Captain and described it as Applicant failing to detain the female passenger of vehicle after which Applicant had found a loaded firearm.

Failure to Wear Body Cam, Verbal Counseling for Insubordination - August 03, 2023.

Applicant was seen not wearing a body camera while taking a police report at the police station. The sergeant who advised Applicant about keeping his uniform clean and counseled Applicant regarding sick time above, told Applicant to adhere to policies regarding wearing body cam and in response Applicant questioned the policy, and so was verbally counseled for insubordination.

Evaluations by Superiors in Cicero Police Department Evaluations Leading to Separation.

Resigned, Not Eligible for Rehire - Bradenton (Florida) Police Department. As to his employment at the Bradenton Police Department from October 2021 - April 22, records showed he was hired as a probationary police officer October 25, 2021 and was transferred to Communication/Dispatch on April 03, 2022, until his resignation April 22, 2022. Background Investigator reviewed Daily Observation Reports which showed both positive areas of Applicant's work and areas of needs improvement. As to his time in Bradenton, Applicant reported to Background Investigator that he had four months of training, including a remedial training; that three Lieutenants and two Captains there told him he was a good fit; that he transferred to Dispatch for a month until his wife gave birth; and that two weeks later he "had to resign in lieu of termination."

Background Investigator noted a review of at least nine (9) letters in support of Applicant and performance reviews from 2019 and 2021 showing that Applicant "meets expectations" and that an employment verification verified employment and that there were no negative statements.

(Disqualification Letter).

Basis #2

[IV. H.] Disqualification Based on Other Conduct³

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 employment, [but when taken as a whole, exhibit that the applicant is not suited for employment as a police officer,]⁴ will be found unsuitable for employment.

CPD Rules and Regulations Violations

Rule Violation #2 - "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or bring discredit upon the Department.

Rule Violation #15 - "Intoxication on or off duty."

Rule Violation #38 - "Unlawful or unnecessary use or display of weapon."

OPSA cited the following conduct, in summary:

Applicant Removed from Premises - April 14, 2019. A case report reviewed by Background Investigator showed Applicant was the subject of an "Unwanted Subject" call to the police. Responding officers reported establishment security approached Applicant after seeing Applicant carrying his firearm inside the bar while dancing with his girlfriend. Security reported Applicant was not cooperating with security and that he told them he was a police officer in the 9th District. Security called 9th District who advised security to call 911, which they did. Applicant identified himself and showed his police ID, valid FOID and driver's license to Responding Officers, in addition to admitting he had several alcoholic beverages. No complaints were signed and Applicant left by way of public chauffeur without further incident. No

³ Section IV.H. of OPSA Special Order 21-01.

⁴ The OPSA Background Investigation Summary omitted from its listing of the disqualification standards the phrase "but when taken as a whole, exhibit that the applicant is not suited for employment as a police officer".

disciplinary action or reprimand was made.

(Disqualification Decision).

Appeal

The following is a summary. The Appeals Officer renumbered Applicant's Exhibits based on the order in which they were emailed, and which address the Exhibits in numerical order. They sometimes differ from the references made in the introductory comments of the individual 12 emails that were sent as part of the Appeal. There were over 158 pages and a short video to review.

CPD Disobedience, Disrespect/Maltreatment/Engaging in Unjustified Verbal or Physical Altercation - January 04, 2019. Applicant explained he was new to the job and misunderstood the policy and that he realized later he was wrong not to make the report and did not disobey an order or directive.

Cicero Police Department Evaluations Leading to Separation. Applicant asserted he had no counseling on his evaluation or an annual review and that the commentary indicating a need for improvement predates the evaluation commentary recommending a remedial training plan, and although it was recommended and iterated on December 4, 2023, no such training was ever offered. Applicant argued that anywhere on his evaluation that was ranked as a "2" was done so to justify his termination. Applicant noted that it was stated that he had a positive attitude but was ranked "2" for positive attitude and that the comment and the ranking contradict each other. Generally speaking, Applicant said the sergeant recommending his separation from service "lacked context requisite for appropriate analysis, and included unfair mischaracterizations of insubordination, abuse of leave policies and "allowing" a subject to escape. He further argued that he never received formal discipline, except verbal counseling, and that gaps in time between

the incidences named did not happen within three months of the recommendation, lacked substance and evidence and were "subjective in nature." Applicant stated he was never given any opportunity for corrective behavior and a formal improvement plan.

Applicant Out of Uniform in Court.

Applicant wrote that he left his badge in the vehicle, and because he was early for court asked the Court Officer if he should go get it, and was told that it was not a big deal but to remember it next time.

Applicant Stationary for Hours After Advised to Actively Patrol.

Applicant stated that he parked visibly in a parking lot and patrolled every 15-30 minutes, but that a colleague drove up in another squad car and they spoke for 45 minutes-to-an-hour. He stated no one gave him explicit instructions on what "actively patrol" was. He also wrote that it was freezing outside, and nobody was on the public way. He further complained that the vehicle was difficult to drive, and the steering wheel was broken and difficult to keep straight. Upon counseling, two sergeants agreed that there should be better instructions in the future, according to Applicant.

Failure to Keep Clean Uniform - December 29, 2022. Applicant explained that the stains were the result of walking on surfaces with road salt, and that even though different pants were worn daily, the "persistent conditions of salt" in December resulted in similar staining.

Signs of Insubordination During Roll Call - January 25, 2023. Applicant argued insubordination entails defiance of authority or refusal to obey orders, writing that he did not defy or refuse an order, and that claiming that shaking your head at is insubordination is "conjecture" and his sergeant had "no means of determining the nature of such a gesture." Applicant then added that he was never spoken to about this, doesn't remember it happening and

that nothing on this appears in his disciplinary file.

Failure to Provide Information as Required - January 29, 2023. Applicant wrote that an in-progress call came in so Applicant "put the blotter on hold" to assist. Later the sergeant asked Applicant to explain why the blotter was not completed and Applicant explained what happened and then completed the paperwork without refusing to do so.

Verbal Counseling in re Sick Time - February 28, 2023. Applicant explained that when he called about being late due to taking his daughter to the hospital with his wife and father-in-law, another sergeant told him to take the day off to be with his family. Applicant explained he also had scheduled time off around then for his birthday, which he wrote he spent in the hospital. Applicant also wrote he heard rumors that people said he faked his daughter's illness to get more time off for his birthday, and so he provided evidence of his daughter's hospitalization.

Applicant said he then became ill as well and could not work.

Failure to Wear Body Cam, Verbal Counseling for Insubordination - August 03, 2023. Applicant wrote that he immediately got his body cam from his locker when he was told by his sergeant that he had to wear it at the front desk. During that time, Applicant said he was trying to "gain clarity" as to whether it was necessary to wear at the front desk and whether that was a general order or shift policy, so he was asking an officer who worked the desk on day shift who said he did not wear a body cam. Applicant wrote that the sergeant then reprimanded him for "conferring with the other officer and was told to go home. Applicant said that he apologized and told the sergeant he was confiding in a colleague to get clarity on the policy. Applicant stated that he never defied or refused and pointed out that because his discipline file does not contain a report on this, the writeup was rejected.

Failure to Secure Detainee Who Escaped - July 27, 2023.

(Appeal) (Oct. 2 email). Applicant wrote that his To-From memo that he was ordered to write did not appear in his file. Applicant explained that subject was resisting and he was unable to "double lock" the handcuffs and needed another officer to help him get the subject into the back of his squad car but the seatbelt was not secured because Applicant did not want to expose his head and neck to the individual. The subject said she couldn't breath and Applicant said he wanted to call an ambulance, but the sergeant directed him to drive her to the lockup. At some point shortly after the vehicle departed, the back car door opened and the subject ran off. Applicant gave chase on foot after he discovered she escaped. Applicant said the car "lacked the ability to view a subject in the cage," and so he didn't know how she escaped because the door could not be opened from the inside. Applicant said he was never interviewed about or reprimanded for the incident. At another point in the Appeal Applicant stated the subject was holding a toddler. This is not the information Applicant wrote in his original report where he said the child was in the backseat (Applicant Exh. 46, Original Police Report authored by Applicant). Applicant wrote that the magazine he found was empty and that he had no reason to frisk the subject.

Generally, Applicant argued that the Cicero Police Department was in violation of its agreement with the Illinois FOB Labor Council because all the conduct in the recommendation for separation was over a year old and should not have been disclosed to any future employers. and that his disciplinary file is empty.

Bradenton Police Department. Applicant explained he was told that while they thought he wasn't a good fit for that department, they believed he could excel at another department and recommended him to another police department. In the meantime, Applicant wrote that his wife was experiencing a difficult pregnancy which affected his performance because they moved from

Chicago and their support system. Applicant then wrote of his complaints with the policy for Bradenton's Daily Observation Reports that reported positive and negative aspects of performance, saying that he had documentation from two former FTO's that said they were told that if they didn't write something negative on a Daily Observation Report the report would be rejected.

Applicant then went on to dispute and argue against the statements made by a sergeant from whom Applicant asked for a letter of recommendation, who wrote the letter to the Background Investigator.

Applicant Removed from Premises - April 14, 2019. Applicant wrote that the admission to consuming alcohol there was no indication in the report that he was intoxicated, and that someone was grabbing him from behind, but he didn't realize it was security because they were in plain clothes and the room was dark and loud and that once he realized they were security he cooperated. He argued that no illegal act was alleged, no one signed a criminal complaint, and that his firearm "was legally concealed, remained holstered at all times, and never purposefully unconcealed" and that he had a right to carry the handgun fully or partially concealed as long as he had his official ID with him. He also argued that the security officers had no right under the law to detain him because he did not consent to a search; they weren't acting in self-defense; didn't witness a misdemeanor in progress or have a reasonable belief that a felony was committed; they weren't protecting the physical safety of others because he was a police officer; and no law enforcement officer ordered them to do so.

Applicant wrote that he regretted leaving CPD, but went with his family to a warmer climate and thought it was best to move for his family at the time, and that despite "mischaracterizations" he believes CPD is where he ultimately belongs.

Applicant went on to quote portions of Letters of Support/Recommendation.

(Appeal, Oct. 2 email)

Additional emails followed and contained the rest below.

Applicant's Exhibit 1 purports to be correspondence from Applicant to the Commander explaining that he needed a transfer to a different watch "to ease the burden and stress" for his wife to "make childcare more affordable again," as edited by that police department's Chief of Staff on behalf of Applicant (Applicant Exhs. 1-2). (Oct. 3, email #1)

Applicant's Exhibit 3 purports to be a screenshot of a text requesting that by end of his shift, Applicant complete and submit a "To-From" Memorandum on a designated and attached form to explain Applicant's actions during a traffic stop because Applicant "failed to complete a blotter as required." (Applicant Exh. 3) (Oct. 3, email #2)

Another email filed with the Police Board, explained Applicant had a norovirus but chose not to include a video of himself experiencing symptoms, but that the video could later be produced to show he was not abusing sick time. Applicant's Exhibit 4 purports to be an after-visit summary for pediatric care for an individual with the same last name as Applicant, listing symptoms fever, diarrhea and emesis with a diagnosis of viral gastroenteritis and hematemesis. (Applicant Exh. 4) (Oct. 3, email #3)

An additional evidence email sent October 3, 2024, asserted he did not call for an ambulance because he was ordered by the sergeant to drive the suspect to the "lockup," and was also told to lower the window because the suspect said she couldn't breathe. Applicant explained that he had properly handcuffed the suspect, but that in-car video showed suspect bring her hands from the back of her body to the front, dislodge one of the cuffs and the reach out of the window to open the door of the squad car from the outside. Applicant explained that

she escaped because she was very small, skinny and flexible enough to get out of the cuffs resistant, and combative and that the window was open, but that he did not “allow” her to escape. Applicant averred there was no evidence that he improperly handcuffed her, and that a police Captain said it was the open window that allowed her to escape, which Applicant was ordered to lower by the sergeant. Applicant asserted he requested the footage via FOIA (Freedom of Information Act) request. Applicant also noted that he was not found to have violated any policies and was never reprimanded in any way. Applicant’s Exhibit 6 shows the allegations of violations for the incident, but does not show the disposition from the Office of Professional Standards. (Applicant Exh. 6) (Oct. 3, email #4)

Applicant’s Exhibit 5 purports to be a To-From Memorandum memorializing Applicant’s written statement of the incident. It detailed the encounter with the suspect as she attempted to enter her vehicle that was being towed, her flailing about, dropping her body to the ground, resisting multiple officers, kicking the squad car door closed, and trying to prevent the door from closing once she was in the back of the squad and her continued flailing. In it Applicant wrote that he was ordered to “lower the window a little bit,” because suspect said she couldn’t breathe, that Applicant lowered the window, but did not restrain suspect other than the handcuffs that were already on because Applicant felt he would sustain a battery if he further physically engaged. Applicant did not lock the doors because he forgot and was focused on getting the suspect to the lockup as soon as possible. Approximately 32 seconds after Applicant drove from the scene the suspect escaped from the vehicle. Applicant explained he was not familiar with the real time camera system in the vehicle and did not know the suspect had escaped until he saw the car door open and saw suspect running down the street, and then he exited the vehicle and chased her down on foot about a minute later. Another officer arrived and transported the suspect.

Applicant felt pain in both of his shoulders and observed scratch marks on his arm from the encounter. (Applicant Exhibit 5) (Oct. 3, email #4).

The fifth email sent on October 3, 2024 contained 13 images/screenshots, consisting of 5 exhibits (Applicant Exhs. 7-11), three of which were multiple screenshots purporting to be pages of reports or letters from January 9, 11, and 15, 2024 from the Field Training Officer (“FTO”) to the Captain. There is an image of Section 15.3 of what appears to be a circled excerpt of a manual pertaining to the inclusion or exclusion of records in “Town” proceedings which reads, “Files, including any materials contained therein, containing disciplinary material and/or information relating to oral reprimands shall not be used adversely to the Patrol Officers interests one (1) year from the date the reprimand is issued.” (Applicant Exh. 7) (Oct. 3, email #5)

Applicant included an email from a Captain to the Superintendent and First Deputy Superintendent regarding Applicant’s work incidents. It noted that in three days of Applicant’s training⁵ observed on camera, the first day during a snowstorm and the last day during sub-zero temperatures, the Captain saw one high risk incident in which Applicant failed to detain a female suspect after a loaded firearm magazine was located and she had fled on foot, that she was allowed to move in and out of the vehicle freely – against the training of that police department, making him deficient in the category of Officer Safety. The Captain stated he believed Applicant needed more training and that he had not progressed satisfactorily for retention as a police officer in the department. A paragraph or two was redacted, as was what appears to be an

5 Referenced in the letter as “scaffolding.” “Scaffolding is a process through which instruction or police training units enhance officer learning by systematically building on students’ experiences and knowledge as they acquire new skills. For example, knowledge learned in the classroom might be better translated into practice if that knowledge is coupled with practical exercises and/or reinforced through field supervision that encourages the use of training in practice. Training effectiveness may also vary across context and country, depending on the organizational infrastructure and resources available for training.” *National Academies of Sciences, Engineering, and Medicine*. 2022. *Police Training to Promote the Rule of Law and Protect the Population*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/26467>.

identifying number of some sort. (Applicant Exh. 8) (Oct. 3, email #5)

The January 9, 2024 memo from the FTO to the Captain reported Applicant's first day of the three days of training mentioned above. FTO described the five calls were handled accordingly, and noted Applicant was reactive rather than proactive for the first half of the shift due to hazardous weather conditions to which FTO spoke with Applicant regarding being more proactive and conducting self-initiated activity when able. FTO noted that of the calls handled, they were done so efficiently, and Applicant had demonstrated proficiency in use of CIS, emergency equipment, body and dash camera, law and statutes, geography, tactical response, interpersonal relationships and professionalism. (Applicant Exh. 10) (Oct. 3, email #5)

The January 11, 2024 memo from the FTO to the Captain reported Applicant's second of three days of training mentioned above, however it appears there is text missing between the end of page 2 and the beginning of page 3, and possibly the end of page 3 and the beginning of page 4 in the screenshots provided. FTO recounted the incident with the female suspect who escaped Applicant's vehicle as described above. FTO closed the report by noting Applicant needed further training to be a "better asset" to the police department, after noting that the calls were handled efficiently, and Applicant demonstrated proficiency in CIS⁶, emergency equipment, body and dash camera, law and statutes, geography, tactical response, interpersonal relationships and traffic and terry⁷ stops which he uses to further investigate incidents. FTO also criticized Applicant for not conducting a pat down of the driver of the vehicle immediately for officer safety, that Applicant should have requested consent for a body search of the female passenger suspect, and that the female suspect had not been properly detained when the driver had fled on

⁶ Appeals Officer could not determine whether this acronym referred to computer information services or critical intervention services from the context of the report.

⁷ Brief pat-down for weapons and detention and questioning on reasonable suspicion a person is involved in criminal activity and may be armed and dangerous

foot and chased by other officers. FTO also returned Applicant's report for corrections regarding clarification as to whether narcotics were found by search of vehicle or upon inventory of vehicle. FTO also noted that he spoke with Applicant regarding Applicant's personal hygiene and appearance and advised a clean uniform and well-groomed appearance was required.

(Applicant Exh. 11) (Oct. 3, email #5)

FTO noted on his January 15, 2024 report for the third of three days of training that Applicant was unable to be more proactive and was only reactive due to severe weather, but that calls were handled in a timely and safe manner. Again, FTO noted Applicant required more training and "will be an asset" to the department, after noting that the six calls with descriptions were handled efficiently, and Applicant demonstrated proficiency in CIS⁸, emergency equipment, body and dash camera, law and statutes, geography, tactical response, interpersonal relationships and professionalism. (Applicant Exh. 9) (Oct. 3, email #5)

The next email contained Applicant Exhibits 12-14, which Applicant asserted showed how an FTO was supposed to report a "Recruit Officer's" response to calls. The acronyms used were not explained. There was no description of the document where the circled excerpt is found (Applicant Exh. 12). The screenshots of what appear to be a text exchange does not indicate who the parties on the exchange are and the context was not explained, nor was the reference to Bradenton (Applicant Exhs. 13-14). (Oct. 3, email #6)

The introduction to the next email asked to pay special attention to pages 1-6, 12, 16-20, 22, 29-34, 39-41 of Applicant's duty disability paperwork to rebut allegations made in Sergeant Murphy's letter. Applicant noted that he left both the Chicago and other suburb police

⁸ Appeals Officer could not determine whether this acronym referred to computer information services or critical intervention services from the context of the report.

departments in good standing and is eligible for rehire in the Chicago Police Department.

Applicant asserted that he has cooperated with the hiring process and investigations and has been completely truthful. Attached to the email was the 45-page Claim for Duty Disability Benefit, with hearing notice and exhibits, but no hearing disposition (Applicant Exh. 15) (Oct. 3, email #7).

An evaluation from a June 2, 2022 interview by a detective of a sergeant regarding the Applicant from the suburban police department was provided. It showed marks of “good” in quality of work and ability to work with others and “excellent” in attendance, willingness to accept supervision, initiative and dependability, marking “no” on whether the interviewee knew of “any behavior, activities or associations, which tend to show that this person is not reliable, honest, trustworthy and of good conduct and character,” and that showed a mark of “no” to whether at any time of employment was there disciplinary action taken against this applicant.” Interviewee sergeant indicated they would recommend Applicant for a position of trust and responsibility within its police department and that they would rehire Applicant. Sergeant did not list the names and addresses of two other individuals who had sufficient knowledge of Applicant to comment on the suitability for a position of trust and responsibility with the department. (Applicant Exh. 16) (Oct. 3, email #7).

Portions of an evaluation from April 2019 (Exhibit 17) and January 2021 (Applicant Exh. 18). The portions provided show “meets expectations” in all categories, however, it is unclear with the whole of the evaluations were provided in the Appeal. (Oct. 3, email #7).

The final email that day contained multiple 19 letters in support of Applicant – 16 from the suburban Cicero Police Department (Applicant Exhs. 19-24, 26-30, 32-34, and 36-37); two (2) from the Bradenton, Fla. Police Department (Applicant Exhs. 25, 35) and one (1) from a CPD

who supervised Applicant when he was a new officer in CPD 2017-2021 and recommended Applicant be rehired (Applicant Exh. 31). All spoke favorably of Applicant's disposition and competency on the job. One Cicero sergeant spoke of reprimands given Applicant and wrote he felt they were "unfounded" (Applicant Exh. 33). None spoke directly to the incidents described by OPSA in the Disqualification Decision. (Oct. 3, email #8).

In an October 24, 2024 email, Applicant wrote that on August 16, 2022 he was sent home by his supervisors because he looked ill and was told to take a CoVid test, which he did and which was positive (Applicant Exhs. 38), and it took six days for him to have a negative test for which he complained he had to use his own sick time. The permission slip from the sergeant from the August 16 date states Applicant "advised he was feeling very sick and could not finish his tour of duty" (Applicant Exh. 40). He explained he felt sick another time but ended up with a negative CoVid test on November 09, 2022 (Applicant Exh. 39). Applicant also explained another time in which his child had the norovirus and had several bowel movements and was vomiting blood and that "we" had to take her to the hospital just before his shift started. In the email, Applicant also disputed that he refused to "do a blotter" for a traffic stop and referenced a text message with a sergeant in which the sergeant wrote "he did not believe I refused to do the blotter." Applicant attached a screenshot of the exchange in which Applicant writes that someone has a huge list of incidents in his employee file and that one was that Applicant "refused" to do the blotter until asked by someone to do so, and asking the other person if they remembered the incident and if they thought Applicant refused, to which the other person replied that he wouldn't classify it as a refusal, but that maybe he forgot to do it, to which Applicant replied that that is what happened, that something came up and forgot. (Applicant Exh. 41) There was also an attachment which would not open after several applications were tried by the

Appeals Officer (Applicant Exh. 42). (Oct. 24 email).

The following day another email was sent two images (Applicant Exhs. 43-44), one video clip (Applicant Exh. 45) and a FOIA response containing what appeared to be the entire case file for the January 11, 2024 incident in which Applicant was involved in the arrest of a female suspect who escaped from his squad car (Applicant Exh. 46). In the narrative of the email Applicant notes that it is not stated anywhere in the police report that the magazine was loaded or any ammunition found at the scene, because, Applicant asserted, there was none. Applicant also argued that the suspect was not charged with unlawful use or possession of weapons. A review of Officer [Name redacted] report summary mentions Applicant found an extended firearm magazine.... A review of Applicant's report mentioned finding an extended magazine in the trunk of the vehicle. A Clear and Present Danger Report was filed on the male driver of the vehicle. None of the reports from any of the four officers who responded to the scene mentions the female passenger escaping from Applicant's squad car or her resisting arrest. They all ended with the arrest of the driver. One document notes that the female passenger and the child in the backseat were transported to the police station for pick up by a relative. (Applicant Exh. 46). Applicant argued that he was "forced to resign two hours after the Captain sent false information" to those who determined whether Applicant would keep his job. Applicant wrote that the Cicero Police Department "has no proof of any policy violations or anything at all. They used this traffic stop as their last ditch effort to get rid of me and then even used false information in doing so" (Oct. 25 email). Applicant further argued that it was within his discretion whether to detain the female passenger suspect, and that "[n]owhere in the law does it state I have to," writing that he was going to detain her for no reason, as she didn't commit and was not accused of committing a crime. Applicant wrote that the Cicero Police Department

“essentially took what was is stellar [p]olice work and spun it to make me look as bad as possible to justify getting rid of me.” (Oct. 25 email). Applicant explained the images attached to this particular email are from his body cam and show the magazines were empty as demonstrated by the visible black lip on the top of the magazines (Applicant Exhs. 43-44). Applicant wrote that the video clip shows him asking his FTO about the empty magazine and that the FTO replied, “Anybody can own it.” The video clip was seven (7) seconds long, inaudible and it was not in any way authenticated. (Applicant Exh. 45).

The final email sent by Applicant made several statements: (1) that any incorrect paperwork alleged by the Cicero Police Department were “extremely minor and shouldn’t have been documented at all” and that the allegation that Applicant put the wrong date on a form was something that Applicant did not remember and even if he did, it was “an extremely minor mistake”; (3) that where it said he was “verbally counseled” for the first and second DUI cases he handled, they were minor mistakes and he was just told to fix them, including the carbon paper not transferring his handwriting well enough, and was not “verbally counseled”; and (4) that Applicant was never told he did not follow through with reports, and the “majority” of his reports were not rejected, and that for the traffic crash report, the software made an error and did not save part of the report which he corrected a few minutes later. Applicant asserted that the police department administration “had no intention of hearing my side of anything and just made assumptions without evidence,” explaining that he had more evidence to support this Appeal but that companies are forcing him to wait for weeks and FOIA requests are slow. (Oct. 27 email).

Applicant closed by thanking the Police Board and stating that everything OPSA used to disqualify him are either not true or “not the full story and is purposefully written by Cicero and others to describe me in the worst way possible,” and that it has “essentially ruined my life by

spreading these allegations about me.” Applicant asserted he is a good person and a good police officer and that his family is counting on him to get his career back with CPD. (Oct. 27 email).

Findings of Fact

The Appeal was timely filed. The last email of the Appeal was sent on the 61st day after the Disqualification Letter, but because the 60th day landed on a Saturday, the Appeals Officer found it to be timely.

Pursuant to Police Board Rule of Procedure VII.B, any facts, evidence, or arguments omitted from Applicant’s Appeal are deemed waived.

Pursuant to Police Board Rule of Procedure VII.E, if the Department elects to not file a Response, it is deemed to stand on the bases for disqualification and evidence in support thereof already of record.

Pursuant to Police Board Rule of Procedure VII.E, any facts, evidence, or arguments omitted from the Department’s Notice and Response are deemed waived.

Pursuant to Police Board Rule of Procedure VII.F, Applicant’s Reply may not include new facts, evidence, or arguments.

Applicant worked for three different police departments, one of which was the Chicago Police Department ("CPD"). He was disciplined and suspended by CPD during his service. He resigned in lieu of termination from the Bradenton Police Department. He was given verbal counseling and engaged in conduct that violated policies and officer safety, and was eventually terminated from the Cicero Police Department. He violated policies and procedures in at least the CPD and Cicero Police Department.

While he was off duty, he was in a bar drinking alcohol and security observed a firearm on him. They found him to be uncooperative. He identified himself as a police officer with the

9th District and when the District was called, they told security to call 911. He was characterized as an "Unwanted Subject." He was carrying a firearm while drinking and dancing in a bar off duty. That does not demonstrate good judgment and reflects poorly on CPD.

None of the Letters in Support/Recommendation address individual conduct alleged by OPSA and therefore do not provide additional facts relevant to the allegations, other than the individuals generally feel Applicant is a good police officer. Additionally, a sergeant that Applicant asked to write a letter on his behalf did not turn out as favorably as he wanted and tried to discredit the letter.

Applicant's attempt at explaining away conduct due to his misunderstanding of policy or his perception of the individual police departments' actions in relation to their policies is not persuasive. Additionally, the Appeals Officer noted that Applicant's account of the details of the subject in custody holding her child while he was determining whether to detain her, contradicted his original report that said the child was in the backseat. This relates to the incident in which the subject in custody escaped from his police vehicle. It adversely affected his credibility.

By a preponderance of the evidence, Applicant DID NOT provide sufficient additional facts directly related to and/or did not adequately specify why OPSA erred in its factual determinations.

Conclusions of Law

Pursuant to the Municipal Code of Chicago ("MCC") 2-84-035(c), the standard of review for appeals of disqualification and removal of an applicant's name from the Eligibility List is that Applicant shall have the burden of showing, by a preponderance of the evidence, that the decision to remove Applicant from the Eligibility List was erroneous.

Based on the conduct and bases alleged and the evidence presented, Applicant failed to 1) specify why the Department of Police 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 for the conduct alleged, for the reasons stated herein.

Recommendation

Based on the 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/ LAURA PARRY
Appeals Officer

Date: March 14, 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 8 in favor (Kyle Cooper, Claudia Badillo, Steven Block, Tyler Hall, Kathryn Liss, Arlette Porter, Andreas Safakas, and Cynthia Velazquez) 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, Tyler Hall, Kathryn Liss, Arlette Porter, Andreas Safakas, and Cynthia Velazquez.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY OF MARCH 2025.

Attested by:

/s/ KYLE COOPER
President

/s/ MAX A. CAPRONI
Executive Director