

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 24 AA 65**
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 13, 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 11, 2024, Applicant filed with the Police Board an appeal of the Disqualification Decision pursuant to Section 2-84-035(b) of the Municipal Code of Chicago (“Appeal”). OPSA did not file a response to the Appeal.

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

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.B.]Disqualification Based on Criminal Conduct¹

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 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 [may]² 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, [may]³ be found unsuitable for employment.

OPSA cited the following conduct, in summary:

Applicant was reported to have had a significant response to the polygraph exam question

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

² The OPSA Background Investigation Summary incorrectly stated “will” rather than “may”.

³ The OPSA Background Investigation Summary incorrectly stated “will” rather than “may”.

as to whether she had stolen anything in excess of \$100. Applicant admitted she stole things and that altogether it may have been over \$100, but no single item over \$100. Applicant reported being confused by the question. She also told that to the Background Interviewer, also reportedly telling them she stole a rug from a large store in February 2023. The report read, “She stated she really liked the rugs they have there so she took one.” While she had been an employee at the store, this did not occur while she was employed there. OPSA considered this a Retail Theft – Class A Misdemeanor under state law (720 ILCS 5/16-25). (Disqualification Decision).

Basis #2

[IV.B.] Disqualification Based on Criminal Conduct

7. Other Criminal Conduct

c. Conduct Indicating Violent Tendencies

Police officers are required to act reasonably and professionally at all times and to maintain control over their emotions in the exercise of their duty. These qualities are vital to a police officer’s ability to protect the public and its trust in the police. Applicants who have demonstrated a propensity for violence do not meet those requirements. Therefore, any conduct demonstrating a propensity for violence will be grounds for disqualification. Conduct demonstrating a propensity for violence includes but is not limited to, conduct which would constitute murder; kidnapping; sex offenses; assault; battery; aggravated battery; offenses against property; robbery; domestic violence; disorderly conduct; and mob action. As noted above, an applicant who has engaged in any act falling within the scope of this section that constitutes a felony will be found unsuitable for employment.

...

An applicant who has engaged in any act falling within the scope of this section that constitutes a misdemeanor within the last three (3) years (from the date of PHQ submission), or more than one (1) time in his or her life, will be found unsuitable for employment.

OPSA cited the following conduct, in summary:

Domestic Battery/Bodily Harm – March 2021. An Incident Report listed Applicant as the offender. In essence, as summarized by Background Investigator the Incident Report showed an individual named [Name redacted] was leaving her home when two of her sisters, one of whom is Applicant, stopped her and they engaged in a verbal altercation. [Name redacted] reported that her two sisters got out of their vehicle and started hitting her with closed fists about the face and body. [Name redacted] boyfriend, [Name redacted], then arrived, grabbed the victim, picking her up and slamming her to the ground. Her sisters and the boyfriend then fled the scene. Victim reported the boyfriend who lived in victim's residential complex continued to harass victim. Victim was given domestic violence information but refused medical treatment.

Domestic Battery/Bodily Harm - Summer/Fall 2023. During her background interview, Applicant reported she was in a "rocky" relationship with an individual named [Name redacted] and reported beating him up by hitting him. In a follow-up phone interview Applicant was reported to have said she had been in a physical fight with her ex, [Name redacted], because she thought he had been with another woman. When asked how she got physical with him, Applicant was quoted as saying, "I beat his ass." No arrests, calls or reports were noted.

The above two instances were considered by OPSA as violations of state law for Domestic Battery – Bodily Harm Class A Misdemeanor (720 ILCS 5/12-3.2-a-1).

Criminal Damage to Property (no date specified). Applicant was reported to have said in the polygraph exam that she had fights with one of her sisters, kicked her out of her Section 8 housing and took some of her sister's belongings. Applicant was reported to discuss that statement with the Background Interviewer, explaining that her sister was kicked out of her Section 8 housing (not that Applicant did that), and that Applicant wanted to get the rest of her things that were still inside because her sister who had been kicked out had stolen the items and

put them in her own bedroom. Applicant was said to have explained her sister's bedroom door was locked so Applicant kicked the door in, breaking it, so that she could get her things. OPSA considered this to be Criminal Damage to Property Class A Misdemeanor (720 ILCS 5/21-1).

Battery (high school). Applicant indicated on her Personal History Questionnaire ("PHQ") that she had been suspended in high school for engaging in a physical altercation with another student. Applicant was reported to have told Background Interviewer that she received two (2) one-day suspensions for fighting with other students. During her polygraph exam pre-test admissions, she was reported to have said she got into fights with girls and boys and that she "busted her mouth open" (another female student), but no charges were filed. In a follow-up phone interviewer Background Investigator reported Applicant said she had gotten into a few fights in high school and received two suspensions, one of which resulted after she had punched another student in the face causing a laceration. OPSA considered this a violation of state law for Battery Class A Misdemeanor (720 ILCS 5/12-3).

Basis #3

[IV.D.]Disqualification Based on Prior Employment History⁴

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. A poor employment history [may]⁵ 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

⁴ Section IV.D. of OPSA Special Order 21-01.

⁵ The OPSA Background Investigation Summary incorrectly stated "will" rather than "may".

absenteeism or tardiness, or failure to follow regulations may⁶ 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:

Home Run Inn cashier – Written Reprimand for Altercation – August 2019-August 2020.

Applicant disclosed on her PHQ that she received a written reprimand for engaging in a verbal altercation with a customer and another employee in one incident. During the Background Interview, Applicant was reported to have said that the customer threw a pizza at her.

Walmart counter – Stopped Showing for Work – March-April 2021. Applicant was said to have told Background Interviewer that she worked there when she was under 21 and every time a customer bought tobacco or alcohol, she would have to find someone of age to ring up the products. She reported it was too busy for her and the position did not pay enough so she just stopped showing up for work without notifying management that she quit.

Jewel deli clerk – Stopped Showing for Work – April -July 2021. Applicant was reported to have told Background Interviewer that she did not like the job and the management was not professional, so she stopped going into to work without notifying management she quit.

Chipotle crew/cashier – Stopped Showing for Work – July-September 2021. Applicant was reported to have told Background Interviewer that she did not like working there, she decided to stop going into work. She did not notify anyone there she quit.

Dairy Queen cashier – Stopped Showing for Work – July 2023. Applicant disclosed she

⁶ The OPSA Background Investigation Summary incorrectly stated “will” rather than “may”.

worked in July 2023 for the store on her PHQ. When she spoke to the Background Interviewer who contacted the store and the store manager said they had no record of Applicant working there, Applicant explained he worked for two weeks and then quit without telling management. She didn't like the hours (3pm – 10pm) or the pay. She just stopped showing up.

(Disqualification Decision).

Appeal

The following is a summary.

Retail Theft. Applicant explained that she was young when she stole items and that she did not fully grasp the consequences of her actions. Applicant further explained she did not intend to steal the rug, but that she got a call while she was grocery shopping that her strictly breastfed son was hungry so she was rushing to get home and inadvertently failed to scan the rug, and that an employee stopped her before she left and being in a hurry she asked the employee to take the rug back, never leaving the store with the rug.

Domestic Battery/Bodily Harm – March 2021. Applicant wrote that this incident was not correctly reported by the Background Investigator. Applicant clarified that while she did have a verbal altercation with her sister, she did not touch her, that she has no relationship to the other sister's boyfriend who arrived at the scene, and that she left when the physical altercation occurred because she "did not want to jeopardize [her] future." Applicant wrote she had no knowledge that police were called.

Domestic Battery/Bodily Harm - Summer/Fall 2023. Applicant wrote that the Background Interviewer misinterpreted her story, and that she was acting in self-defense while she was holding her son. She clarified that the altercation was separate from their breakup when [Name redacted] became involved with another woman.

Criminal Damage to Property (no date specified). Applicant denied kicking the door down, explaining it was physically impossible for her to do so because she was six months pregnant at the time. She wrote that the “lock was easily bypassed by bumping the door, which opened without force.” She said that she recognizes this was not the best choice, that she let her emotions get the better of her and that she had challenging relationships with her sisters growing up. Applicant wrote that the Background Interviewer misunderstood her living situation. She clarified that she was living with her sister [Name redacted], not [Name redacted], and that it was [Name redacted] who took Applicant’s things from Applicant’s room. Applicant explained that it was not the first time [Name redacted] had kicked Applicant out of an apartment, as it happened several times when Applicant was younger and had nowhere else to live. Applicant explained she did not call the police because she did not want her sister to lose her Section 8 housing and having to wind up living on the streets with Applicant’s niece.

Battery (high school). Applicant wrote that she takes full responsibility but believes it should not disqualify her because the conduct occurred in high school when she was still learning to manager her emotions and behavior.

Stopped Showing for Work. Applicant acknowledged the way she quit some of the jobs in her past was unprofessional, but did not fully appreciate that at the time. Applicant explained she left after two weeks at Dairy Queen for a better paying job at Meijer to support herself and her son after having been displaced from her sister’s apartment.

Applicant closed with stating that her past mistakes do not reflect who she is today, that she’s grown and would like a chance to demonstrate that growth and contribute positively to the community. She is focusing on completing her bachelor’s degree in May 2025. Applicant expressed that her police officer aunt is her role model and has motivated Applicant.

Findings of Fact

The Appeal was timely filed.

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 at one point reported that she took the rug from Walmart because she liked it and then clarified later in the Appeal that she forgot it was in the cart and did not scan it because she was in a hurry to get to her son. It is unclear why she did not explain this to the Background Interviewer. Either way, there is no indication she left the store with the rug and no other information other than what the Applicant self-reported. By a preponderance of the evidence, Applicant **DID** provide sufficient additional facts directly related to and/or did adequately specify why the Department erred in its factual determinations as to the conduct with the rug.

Applicant admitted the verbal altercation with her sister but denied physical contact. Applicant's account was credible within the given circumstances and without further evidence of her exact involvement. By a preponderance of the evidence, Applicant **DID** provide sufficient additional facts directly related to and/or did adequately specify why the Department erred in its factual determinations as to the conduct of battery in this instance.

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 as to the remaining conduct.

Applicant caused damage to property when she broke the door to her sister's bedroom, whether she kicked it in or bumped it, as she later claimed.

Applicant's claim that "beat his ass" and the physical conduct she then engaged in is not consistent with her claim that it was self-defense.

Applicant engaged in conduct that would constitute battery in high school.

Applicant did not resign her positions at the various employers. She simply stopped showing up. She received a written reprimand for engaging in a verbal altercation with both a customer and a co-worker in one incident.

Applicant did engage in instances of retail theft.

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 all but two of the instances of 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