

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 24 AA 69**
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 November 14, 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 December 13, 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”). On January 27, 2025, OPSA filed a response to the Appeal (“Response”). Applicant did not file a Reply.

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

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 Conduct

...

5. The standards are as comprehensive as possible; however as noted above, they cannot encompass [e]very possible scenario. Failure to enumerate any particular offense does not exclude such offense from being the basis for disqualification. Commission of any criminal or quasi-criminal act may result in disqualification from employment as a Police Officer if it is determined that the acts or omission of the applicant make him or her unsuitable for the position of Police Officer.

OPSA cited the following conduct, in summary:

Applicant engaged in the conduct and was twice arrested for drinking alcohol on the public way on June 20 and July 13, 2014.

Basis #2

IV.B.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.”

...

OPSA cited the following conduct, in summary:

Applicant denied membership in a specific street gang during the Background Interview and denied telling detectives during the investigation that he was a member of that gang. He was also reported to have said that he does and has indeed had affiliation with gangs or gang

members in that the brother he lives with is a member of that street gang, as is friend, and that another friend is a member of another street gang.¹

Basis #3

IV.F. Disqualification Based on Membership of Association with Criminal Organizations

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

OPSA cited the following conduct, in summary:

A Case Report documented that Applicant was with a group of friends, including two members of a specified street gang when the group became involved in a verbal altercation with others that eventually led to the vehicle the group was in being struck by multiple bullets, injuring one friend and killing another, but that at the time Applicant reported that he and one of the other friends had no gang affiliations. After the shooting, per the detective's report, Applicant admitted being a member of the gang.

Upon further database investigation Background Investigator discovered the deceased was a member of the gang as is Applicant's brother and that Applicant lives with said brother and visited the brother eight times when the brother was incarcerated for Unlawful Use of Weapon, the last visit in January 2007.

¹ Appeals Officer declines to specify gangs by name as it is irrelevant to the analysis and to blunt notoriety

(Disqualification Decision).

Appeal

The following is a summary.

Applicant wrote that the Disqualification Decision was based on false accusations and “misunderstanding of [his] character and potential.” Applicant “unequivocally” stated he has never been a gang member. Applicant cited his employment with City of Chicago Department of Aviation as having given him valuable insight to government operations and a deep appreciation for public service, having worked alongside retired police officers who inspired him to pursue a law enforcement career. Applicant claimed a strong work ethic and ability to work with individuals of diverse backgrounds. Applicant closed with a request that the disqualification be reconsidered

(Appeal).

Response

OPSA iterated the bases for disqualification, specifically noting that Applicant admitted to being a gang member and was present with other gang members when they were shot, with one killed and that he lives with his brother who is a gang member as are close friends. OPSA argued that Applicant is not being honest when he claims to have no affiliations with gangs, given the living situation with his brother and continued association with him and gang member friends. OPSA noted its right to disqualify pursuant to Illinois caselaw: “The applicant’s history is extremely troubling and serves as grounds for disqualification.” (Response).

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 the very least has ongoing affiliation with street gangs in that he lives with a street gang member and has at least two friends who are in street gangs. Street gangs are considered criminal organizations. His assertion that he is not affiliated with any gangs is not accurate.

Applicant was twice arrested for drinking alcohol on the public way which is against the law.

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.

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)

Police Board
Applicant Appeal No. 24 AA 69

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 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