

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 22 AA 06**
APPLICANT FOR THE POSITION OF)
PROBATIONARY POLICE OFFICER,) **(Applicant No. [redacted])**
CITY OF CHICAGO.)

FINDINGS AND DECISION

[Name redacted] (hereinafter referred to as “Applicant”) applied for a probationary police officer position with the City of Chicago. In a letter dated October 14, 2022, 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 (“Notice”).

On November 1, 2022, Applicant appealed this disqualification decision to the Police Board by filing a written request specifying why the Department of Police (“Department”) erred in the factual determinations underlying the disqualification decision and bringing to the Board’s attention additional facts directly related to the reason(s) for the disqualification decision, pursuant to Section 2-84-035(b) of the Municipal Code of Chicago (“Appeal”). No Response was filed by the Office of Public Safety Administration.

Police Board Appeals Officer Mamie Alexander has reviewed the Notice and Appeal.

APPEALS OFFICER’S FINDINGS, CONCLUSIONS, AND RECOMMENDATION

Appeals Officer Mamie Alexander, as a result of a review of the above material, submits the following findings of fact, conclusions of law, and recommendation to the Police Board.

Filings by the Parties

Applicant filed a timely appeal as provided by Section 2-84-035(b) of the Municipal Code of Chicago. No Response was filed within the time period allowed by the Police Board Rules of Procedure.

According to the Notice, Applicant was removed from the list of eligible applicants for the position of probationary police officer for the following reasons:

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.

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 required 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 shall 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.

Applicant was disqualified by Department based on her prior employment history, which included termination from several employers for tardiness. She was also disqualified for making

false statements or omissions in the application process, including failing to disclose family members, eviction proceedings, and driving violations.

Applicant appeals the decision, stating that she was late to work due to transportation issues and a lack of stable clients. She also states that she was working several jobs, and was “unrealistic” about the travel time required.

Applicant alleges that she was unaware of the eviction proceedings against her, unaware that she needed to disclose her half brothers and sisters, and unaware that the plates on a vehicle she was driving were stolen.

Applicant asserts that although her past life decisions may not have been ideal, she is an “inspiring” single mother whose life decisions will assist her in executing the responsibilities of a Chicago Police Officer.

Findings of Fact

Filings were timely.

Prior Employment History

Department provided the factual basis for its decision to disqualify Applicant and remove her name from the eligibility list. It assessed that the facts presented regarding Applicant’s prior employment history make her unsuitable for employment. Applicant was terminated from Save-A-Lot, Abcore Home Health, and Food-4-Less due to excessive tardiness.

In summary, Applicant asserts that she was a single mother experiencing housing, transportation and financial issues at the time, and had difficulty keeping up with her schedule. She states that the lack of stable clients at Abcore Home Health forced her to keep a second job, and she was unable to properly manage her time.

Disqualification Based on False Statements or Omissions and/or Failure to Cooperate in the Application Process

Applicant was also disqualified by Department based on the following false statements or omissions in the application process:

Employment

Applicant failed to report her employment or termination from Save-A-Lot and Food-4-Less on her Personal History Questionnaire (“PHQ”) or to the Kentech Investigator.

She also failed to report her termination from Abcore Home Health on her PHQ or to the Kentech Investigator. Instead, she reported that she “voluntarily terminated” because she was given minimal hours.

Family Members

Applicant failed to disclose her five half-brothers and sisters on her PHQ, or to the Kentech Investigator on two occasions. Initially, Applicant denied having family members other than her parents. When asked specifically about her brother, [Name redacted], Applicant admitted that he was her brother, and further admitted that she had one other brother and three other sisters.

When asked why she did not disclose her siblings on her PHQ, Applicant stated that she did not realize that she had to report them. She also stated that although she was asked twice by the Investigator about family members, she did not know that it included half-brothers and sisters and did not think of them when the question was asked.

Housing

Applicant’s Property Manager reported that Applicant was receiving funding for her housing through the Center for Housing and Health, but it ended in May, 2022. Applicant failed to pay rent after that date, and as of September 6, 2022, had an outstanding balance of \$8,174.00. Applicant was served an eviction notice, and continued to reside in the home. Applicant initially

failed to report this information on her PHQ, to the Reporting Investigator (“R/I”), or to the Kentech Investigator.

In addition, Applicant failed to report on her PHQ, to the R/I, or the Kentech Investigator that she was “homeless” from November, 2020 through January, 2021. She also failed to report that she resided with a friend in Peoria, Illinois, and had an address in Langley, Illinois.

Applicant states that she briefly lived with her friend in Peoria, Illinois prior to January 2021, but is now a client of the Center for Housing and Health. She states that she was unaware of the eviction proceedings, and is working with her caseworker to get the matter resolved.

Applicant claims that she has never lived in Langley, Illinois, but did live on 113th and Langley in Chicago.

Driving

In 2018, Applicant was pulled over by the Chicago Police for failing to place her child in a car seat. During the stop, the police determined that the vehicle was not registered to the attached plate. According to the police report, Applicant stated that the plate belonged to her “grandfather,” [Name redacted]. The police officers determined that the plate had been reported stolen.

Applicant denies that she told the police that [Name redacted] was her grandfather. Applicant states that [Name redacted] loaned her the vehicle, and that she witnessed him take the plate from another vehicle in his garage, and place it on the vehicle that he loaned her. Applicant states that she did not know about cars, and did not think that there was anything wrong with switching plates from one vehicle to another. Applicant failed to disclose this information to the Kentech Investigator, and did not initially report it to the R/I.

Based on the above facts, Department determined that Applicant should be disqualified based on her employment history and false statements or omissions made during the application

process. Department articulated the standard by which the conduct was assessed by section and paragraph, and articulation of the standard gives reasonable notice as to the basis for disqualification.

Applicant asserts that she was “unable to get to work on time,” and was “unaware” that she needed to make the disclosures.

Applicant concludes her Appeal by stating that although some of her life choices were not ideal, she made them for her children. She believes that her life experiences make her a better candidate than most to become a Chicago Police Officer.

Conclusions of Law

Disqualification Based on Prior Employment History

Section IV. of the Bureau of Support Services Special Order contains the Pre-Employment Investigation Standards for Applicants to the Position of Police Officer (“Standards”) that are applicable to this Appeal.

Section D (2) states: “A poor employment history may result in disqualification for the position of Police Officer. An applicant who has been discharged or disciplined for offenses which include any act of dishonesty, incompetence, insubordination, excessive absenteeism or tardiness, or failure to follow regulations may be found unsuitable for employment.”

Applicant stated that she worked for Save-A-Lot as a part-time cashier, and at Food 4 less pushing carts. She was terminated from both jobs because she could not “get to work on time.” In addition, she stated that she was employed as a caregiver with Abcore Home Health and was terminated for not showing up to a client’s home on time. She asserts that she was late due to transportation issues, a sick child, and poor time management.

Applicant was excessively tardy for not one, but **three** separate positions, and was ultimately terminated from each position.

Disqualification Based on False Statements or Omissions and/or Failure to Cooperate in the Application Process

Section I (1) states: “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.”

Applicant made the following false statements or omissions during her application process:

Employment

Applicant failed to report her employment (or termination of her employment) at Save-A-Lot or Food 4 Less on her PHQ or to the Kentech Investigator. She also failed to report her termination from Abcore Home Health on her PHQ or to the Kentech Investigator. Instead, she stated that she “voluntarily terminated” from Abcore due to receiving minimal hours.

Family Members

Applicant failed to disclose to the Kentech Investigator (on two occasions) or on her PHQ that she has five half-brothers and sisters. When asked why they were not disclosed, Applicant claimed that she was unaware that family members included half-brothers and sisters.

Housing

Applicant was served an eviction notice in June, 2022 for unpaid rent totaling \$8,174.00. Applicant failed to respond to the eviction notice while continuing to reside in the home. Applicant did not initially report the eviction to the R/I, on her PHQ, or to the Kentech

Investigator.

In addition, Applicant failed to report to the R/I, Kentech Investigator, or on her PHQ that she was “homeless” from November, 2020 through January, 2021, and that she resided with a friend in Peoria, Illinois. There was also a discrepancy in her application about whether she resided in Langley, Illinois, or on Langley Street in Chicago.

Driving

Applicant was pulled over by the police in 2018 for not placing her child in a car seat. It was later determined that the vehicle she was driving had a plate that was registered to another vehicle. Applicant admitted that she saw Mr. Walter switch the plates in his garage, but “did not think there was anything wrong with switching plates.”

Section I of the Standards states that “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 shall be disqualified.” Prohibited conduct within this category includes, but is not limited to: ... failure to provide any required information; 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.”

Department alleges that Applicant made numerous false statements or omissions during her application process, any one of which could be grounds for disqualification. Applicant did not directly deny her employment history, or the false statements or omissions alleged during the application process. Instead, she states that she could not get to work on time, and was unaware that she needed to make the disclosures.

No additional facts, evidence or arguments were submitted in Applicant’s Appeal that

support her contention that Department erred in its determination that she has a poor work history and made false statements or omissions during the application process.

Even if what Applicant presented in her Appeal could be construed as a denial, in considering and weighing the numerous grounds for disqualification that were presented, Applicant has failed to show, by a preponderance of the evidence, that the decision to remove her from the Eligibility List was erroneous.

Recommendation

Based on my findings and conclusions set forth above, I recommend that the decision to remove Applicant from the list of eligible applicants for the position of probationary police officer be **affirmed**.

Respectfully submitted,

/s/ Mamie A. Alexander

Mamie Alexander
Appeals Officer

Date: February 7, 2023

POLICE BOARD DECISION

The members of the Police Board of the City of Chicago have reviewed the Appeals Officer's findings, conclusions, and recommendations.

The Police Board hereby adopts the Appeals Officer's findings, conclusions, and recommendation by a vote of 6 in favor (Ghian Foreman, Paula Wolff, Steven A. Block, Mareilé B. Cusack, Nanette Doorley, and Jorge Montes) to 0 opposed.

NOW THEREFORE, IT IS HEREBY ORDERED that the decision to remove [name

Police Board Case No. 22 AA 06
Findings and Decision

redacted], Applicant No. [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: Ghian Foreman, Paula Wolff, Steven A. Block, Mareil  B. Cusack, Nanette Doorley, and Jorge Montes.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 16th DAY OF MARCH, 2023.

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director