

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 23 AA 06**  
**APPLICANT FOR THE POSITION OF** )  
**PROBATIONARY POLICE OFFICER,** ) **(Candidate 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 February 15, 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 March 8, 2023, 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”).

On March 27, 2023, the Office of Public Safety Administration filed with the Police Board a copy of the Notice and its response to Applicant’s Appeal (“Response”). On or about April 11, 2023, Applicant filed a reply to the Response (“Reply”). Police Board Appeals Officer Mamie Alexander has reviewed the Notice, Appeal, Response, and Reply.

**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. The Response and Reply were 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:

- IV. Pre-employment Investigation Standards for Applicants to the Position of Police Officer

#### **B. Disqualification Based on Criminal Conduct**

1. One purpose of the pre-employment investigation is to determine whether the applicant has engaged in criminal conduct. This is important because the police hold a unique position of public trust and are tasked with protecting the public and enforcing the law. Even more than other City employees, Chicago Police Department officers are specifically tasked with and sworn to uphold the law. Therefore, an applicant will be disqualified from consideration for a police officer position if there is evidence that the applicant has engaged in criminal conduct, even if the applicant was never convicted of any criminal offense. Applicants with a history of criminal conduct that falls within the Department's disqualification standards are deemed unable to protect the public and its trust in the police. It is the conduct itself, not the fact that the applicant was convicted, that makes the applicant unsuitable for employment.
2. There are various types of proof which indicate criminal conduct, including a record of conviction or an admission that indicates the applicant engaged in criminal activities. A record of conviction or an admission will be prima facie evidence that the applicant engaged in criminal conduct.”
3. Unlike a record of conviction or an admission, an arrest record merely indicates an allegation of criminal conduct and must be investigated further in order to be

the basis for disqualification.

**Rules of Conduct**

1. Violation of Any Law or Ordinance

**D. Disqualification Based on Prior Employment History**

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

**B. Conduct Indicating Dishonesty**

1. Credibility, honesty and veracity are extremely important characteristics for a police officer to possess on and off duty. Honesty is required to ensure the integrity of police operations and investigations and to protect the public and maintain its trust in the police. The pre-employment investigation therefore looks for information that shows that the applicant has a reputation or propensity for truthfulness, is believable and has a personal history free from deceit or fraud.

**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; stalking; disorderly conduct; and mob action.

**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.

Applicant was disqualified by Department based on his criminal conduct, prior employment history, conduct indicating violent tendencies, false statements or omissions and/or failure to cooperate in the application process. The conduct alleged includes motor vehicle theft, criminal trespass to land, assault, domestic battery, and dishonesty.

**Appeal, Response and Reply**

Applicant appeals the decision, stating that the allegations contained in the Notice are based on false reports. He presents additional facts to rebut each of the allegations contained in the Notice, and states that he has never hit anyone or demonstrated physically abusive or aggressive behavior. He also states that he has never refused to cooperate with authority, never intentionally and knowingly disregarded criminal laws, and never failed anyone's trust or committed fraud.

Applicant shares that he lacked the guidance of effective parents throughout his life, but has successfully completed college and graduate school, and "proven himself over and over again." He says that he would like the chance to prove himself again as a Chicago Police Officer.

Department's Response states that the appeal was reviewed, and Department relies upon

the facts and evidence relating to the disqualification contained in Applicant's file. Department maintains that the pre-employment disqualification standards under which Applicant's disqualification decision was based upon are clear (namely, Disqualification Based on Criminal Conduct [4 Counts], Disqualification Based on Prior Employment History [2 counts], Disqualification Based on Other Criminal Conduct/Conduct Indicating Dishonesty [4 counts] and Disqualification Based on False Statement or Omissions and/or Failure to Cooperate in the Application Process). Department states that the evidence in Applicant's file supports its decision to disqualify Applicant from hiring, and the Department is within its right to do so, citing *Apostolov v. Johnson*, 2018 IL App (1<sup>st</sup>) 173084, ¶¶ 24, 31 and *Johnson v. O'Connor*, 2018 IL App (1<sup>st</sup>) 171930, ¶¶ 16-17, 20.

Department also notes that Applicant's past conduct "constitutes a number of violations, each of which would serve by themselves as grounds for disqualification." Department states that Applicant's background, along with his use of aliases is extremely troubling, and Applicant would not be able to fulfill the Chicago Police Department's mission to "strive to attain the highest degree of ethical behavior and professional conduct at all times."

In his Reply, Applicant states that he was disappointed in Department's Response, as it does not appear that his Appeal was properly reviewed. He states that all of the charges against him have been dismissed, and that Section B(3) of the Standards requires that allegations of criminal conduct be investigated further in order to be the basis for disqualification.

Applicant believes that Department made a general statement about him having a "troubling past" to easily dismiss him, and states that he has never committed motor vehicle theft, and never owned or worked for the tow truck company that was alleged to have taken the vehicle without permission. He claims that he was never informed of the report and was never

charged with felony theft.

Applicant also stresses that he has never used false or illegal aliases. He states that for personal reasons, he legally changed his name so that he could have the same last name as his father. Applicant provides documentation in support, including a copy of his driver's license, FOID card, student ID, passport card, and Petition for Name Change.

Applicant's Reply concludes by stating that Department's Response did not include any counterarguments or responses to any of the specific records in his Appeal, and based on the statements that he provided, the police reports "should not be taken at face value."

### **Findings of Fact**

Filings were timely.

Department provided the factual basis for its decision to disqualify Applicant and remove his name from the eligibility list. Department determined that that Applicant's criminal conduct, prior employment history, conduct indicating violent tendencies, false statements or omissions and/or failure to cooperate in the application process were grounds for disqualification.

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

### **Criminal Conduct**

#### **Motor Vehicle Theft**

Department asserts that, according to the police report, in June, 2018 Applicant was the owner of a tow truck company that went to the scene of an accident and removed a vehicle without the owner's permission after she was taken to the hospital. The police were called, and Applicant was located with the vehicle.

Applicant denies the allegations, and states that he was never informed of the report and was never charged with felony theft. In both his Appeal and Reply, Applicant insists that he never owned or worked for the tow truck company. He states that he was making a food delivery near the scene of the crash, and “assisted” the owner of the tow truck (who was a friend of his) by going to the hospital to obtain the driver’s authorization for the tow. He maintains that he was never arrested or charged with Motor Vehicle Theft and was unaware that this incident was on his record.

### **Criminal Trespass to Land**

In October, 2016, Applicant was hanging out with a group of friends in a private parking lot belonging to a warehouse, and was arrested as a result. Applicant states that he was unaware that he was on private property, and never intended to break any laws.

### **Assault**

In January, 2016, Applicant was tailgating a vehicle on Lake Shore Drive. Both vehicles got off the expressway, and upon coming to a stop, Applicant exited his vehicle. Applicant approached the other driver while screaming with clenched fists, causing the victim to fear receiving a battery. The driver reported that Applicant was irate and screaming incoherently, and Applicant was arrested.

Applicant admits to having rage and yelling at the driver, but states that he got out of his vehicle only to see who was driving. He stated that the driver’s actions were so childish that he wanted to see whether it was someone he knew. Applicant states that he was fully cooperative with the police and apologetic to the “victim.” He claims that he never caused nor intended to cause harm.

### **Domestic Battery**

On November 10, 2014, Applicant was arrested for domestic battery when a witness walking home observed Applicant beating his mother about the face and pulling her from her hair out of his vehicle. The witness stated that Applicant left in his vehicle, but returned on foot and was arrested by the officers.

Applicant states that his mother was emotionally and physically abusive to him as a child and was upset with him for obtaining his own apartment. He provides copies of letters that describe Applicant's troubling and abusive relationship with his mother.

Applicant states that prior to his arrest that day, his mother refused out of his vehicle, and when he exited the vehicle, she started to hit him. Applicant states that he opened her door and told her to get out, but did not hit her. He claims that he has "never hit anyone in [his] entire life." Applicant claims that the witness made false statements to justify trying to be a "good civilian," and that the case was dismissed after his mother made things clear in court.

### **Employment History**

Applicant reported that while working at CarMax (in 2017 per PHQ, and 2018 per Kentech Interview), he was terminated after leaving work to take a ride in a new car with a co-worker. Applicant's co-worker passed another vehicle while driving, and the driver reported the incident to CarMax. When they returned to work, Applicant and his co-worker were called into the office, and both were terminated for violating company policy.

Applicant states that he was not the driver of the vehicle, and that he was terminated for violating company policy, not criminal behavior. He states that he still has a good relationship with his manager, and this incident does not indicate "a negative work ethic or disobedience of others."

Department also lists the motor vehicle theft as grounds for disqualification based on



employment history, as the police report alleged that Applicant was the driver of the tow truck and was working at the time of the theft. As stated above, Applicant denies the allegations.

### **Conduct Indicating Dishonesty**

Department also asserts that the Motor Vehicle Theft is grounds for disqualification based on conduct indicating dishonesty, as it is alleged that Applicant “took it upon himself to remove the vehicle without authorization from the owner.”

### **Conduct Indicating Violent Tendencies**

Department asserts that per the Kentech Report, Applicant’s ex-girlfriend [Name redacted] stated that she met Applicant at Truman College and dated him for four years. [Name redacted] states that they had “several incidents of abuse and domestic violence,” and that Applicant was verbally abusive and “occasionally physically abusive.” She states that he has significant anger issues, is untrustworthy, and should never be a police officer.

[Name redacted] also stated that Applicant committed criminal acts, including insurance fraud by "totaling his vehicle on purpose" to use the money to buy a new vehicle. She told the Investigator that Applicant would push her onto the wall, and “every so often” he would pull her by her elbow.

Applicant states that he and [Name redacted] dated for over three years, and like most couples, they had minor arguments and altercations. He admits that during these altercations he would hold her by her elbow to prevent her from breaking objects. Applicant reiterates that he has “never hit anyone” in his life, and states that he has never committed insurance fraud.

Applicant claims that [Name redacted] cheated on him and is upset that he will not give her another chance. He states that she previously mentioned that she would never vouch for him

to become a police officer because she would feel responsible if he was killed.

In addition to his conduct with [Name redacted], Department also cites Applicant's assault and domestic battery arrests as grounds for disqualification based on Conduct Indicating Violent Tendencies.

**Refusal to Comply with a Lawful Order**

In his Polygraph Report, Applicant states that he refused to comply with a lawful order from a police officer. Specifically, Applicant refused to sit and follow the police officer's instructions while handcuffed.

Applicant states that the "sit" order was given to him in a demeaning tone, which implied that he should "shut up and sit down." He states that he asked to speak with a supervisor and received an apology for the officer's "misconduct."

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

Department asserts that Applicant never provided any information about the motor vehicle theft to an Investigator or on his polygraph.

**Conclusions of Law**

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.

Applicant was disqualified based upon four counts of Criminal Conduct, Two Counts of Disqualification Based on Prior Employment History, Four Counts of Disqualification Based on

Other Criminal Conduct/Conduct Indicating Dishonesty, and Disqualification Based on False Statement or Omissions and/or Failure to Cooperate in the Application Process.

Regardless of whether Applicant committed the Motor Vehicle Theft, his past conduct contains numerous violations that could be considered grounds for disqualification based on Department's Standards.

Applicant admits that he was arrested for a road rage incident in which he exited his vehicle and screamed at another driver. In addition, although he denies attacking his mother, Applicant admits that he got out of his vehicle, opened her door, yelled at her to get out, and was arrested as a result.

Applicant also admits that he was terminated from CarMax after leaving in a new car without permission, and arrested for trespassing after hanging out in a vacant lot.

Most disturbing is Applicant's ex-girlfriend's allegations that he was verbally and physically abusive, and would "push her on the wall" and pull her elbow. [Name redacted] stressed that Applicant has "significant" anger issues and has committed criminal acts. She believes that he is not trustworthy and should *never* be a police officer.

No additional facts, evidence or arguments were submitted in Applicant's Appeal that support his contention that Department erred in disqualifying Applicant based upon his criminal conduct, prior employment history, conduct indicating violent tendencies, false statements or omissions and/or failure to cooperate in the application process.

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 him 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: June 9, 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 8 in favor (Ghian Foreman, Paula Wolff, Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, Jorge Montes, and Andreas Safakas) 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: Ghian Foreman, Paula Wolff, Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, Jorge Montes, and Andreas Safakas.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15<sup>th</sup> DAY OF JUNE, 2023.

Attested by:

/s/ GHIAN FOREMAN  
President

/s/ MAX A. CAPRONI  
Executive Director