

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 23 AA 22**
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 April 26, 2023, 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”) and the process for appeal. Department described several instances of conduct in citing Disqualifications Based on Criminal Conduct – generally, Conduct Indicating Dishonesty, Conduct Indicating Violent Tendencies, and Conduct Involving the Unlawful Use of Weapons; Disqualification Based on Driving Record; Prior Employment History; conduct that would violate Rules and Regulations of the Chicago Police Department; Membership or Association with Criminal Organizations; Other Conduct; False Statements or Omissions and/or Failure to Cooperate in the Application Process; and Polygraph Examination.

In an email dated June 24, 2023, Applicant appealed the disqualification decision to the Police Board by 1) filing a written request specifying why the Department of Police (hereinafter referred to as “Department”) erred in the factual determinations underlying the disqualification decision *and/or* 2) 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”). Department filed a Response July 31, 2023. Applicant filed a Reply August 16, 2023.

Police Board Appeals Officer Laura Parry has reviewed the Notice, Appeal and Response and Reply.

APPEALS OFFICER’S FINDINGS, CONCLUSIONS, AND RECOMMENDATION

Appeals Officer Laura 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.

Filings by the Parties

All filings were timely. According to the Notice and accompanying 49-page Complete Background Investigation dated April 13, 2023 (hereinafter “Background Investigation Report”), Applicant was removed from the list of eligible applicants for the position of probationary police officer for the following reason(s):

Basis #1

IV-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." (Background Investigation Report, p. 1)

Department cited the following conduct, in summary:

Applicant was reported to have been arrested four (4) times from 2003 to 2014.

2003, 2004 and 2008 DUI Arrests & Driver’s License Suspensions. On December 22, 2003 and February 6, 2004, and sometime in 2008 it is alleged Applicant engaged in the conduct

of DUI (driving under the influence) as evidenced by arrests on at least three of those dates. As to the first arrest: it was reported that Applicant wrote on his Personal History Questionnaire (“PHQ”) (submitted sometime between January 2022 and the date of the Background Investigation Report in April 2023) that he received a DUI for drinking and driving, after he slid on an icy driveway into a fence and hit a house. Investigator further noted Applicant explained that he had been drinking alcohol at a friend’s house before the collision and that he drove about six blocks away before he was stopped by police but could not recall if he was given a breathalyzer or field sobriety test, that he was handcuffed and arrested and that he appeared at court and pleaded guilty to the DUI. His license was suspended but he recalled nothing further. As to the second arrest and/or suspension: no further information was offered about the alleged February 6, 2004 arrest. Investigator listed the PHQ, interviews with Applicant and Illinois driver’s abstract as the sources for his report of the conduct. As to the third arrest and suspension in 2008: according to the PHQ and interview as cited by Investigator Applicant self-reported he failed a field sobriety test when stopped by state police on the expressway for either speeding or swerving from lane-to-lane in the early morning after he left a party. Applicant reported he pleaded guilty to DUI and was issued a hardship license to work, attended a victim impact panel and was required to undergo counseling.

2014 Conduct That Led to an Assault and Disorderly Conduct arrest. Investigator reported that in response to Department’s inquiry regarding this background investigation another local police department reported Applicant was arrested November 9, 2014 after the responding officer (“R/O”) interviewed both Applicant and witnesses at the scene of the alleged incident. R/O is said to have reported a staff member at a bar related to the R/O that Applicant approached him as he took out the bar’s trash, irate and cursing, complaining about vehicles

blocking the driveway to his residence, and threatened to bring back some of his “homies and do what they do.” It was reported that it was not the first time the staff member (referred to later by Applicant as a “bouncer”) interacted with Applicant, the bouncer felt threatened by what Applicant said and how he said it and “unnerved by the altercation.” The vehicle was moved, but Applicant continued to curse and yell at the staff. At this time another witness was outside. It was reported Applicant took out a collapsible baton, extended it and “took a bladed stance” towards the bouncer (who also noted Applicant was wearing a 5-point star badge on a leather holder around his neck, which he thought looked like a CPD badge). The bouncer reported he felt like Applicant would strike him, and that he asked Applicant if he was “a cop,” to which Applicant told him not to worry about who he is. The bouncer reported Applicant went to his apartment after he told Applicant he was calling the police. R/O reported that when he spoke to Applicant in his apartment, he did so after checking for weapons. Applicant was said to have told the R/O that vehicles blocking the driveway was an ongoing problem and that the staff members just stood there with their arms folded and told him that he (Applicant) was not going to tow anything. Applicant did not describe whether or how he felt threatened by the staff. When asked about the badge, Applicant responded that he has a security officer badge for work but that he was not wearing it during the altercation. Applicant could not explain why he did not call the police at any time before, during or after the incident. Upon being asked, Applicant showed R/O the baton and asked if he was being arrested. It and a can of pepper spray were taken as evidence and Applicant was arrested, booked and later released. According to his PHQ, Applicant claimed the bouncer approached Applicant and was “arguing” with Applicant as Applicant was removing his security job equipment from his vehicle. Applicant noted he talked to an owner of the bar the next day who apologized and told him the bar’s security officer had

been fired due to intoxication and disturbances, and that Applicant was then offered a job. When he appeared for court, the case was dismissed because, according to Applicant, the bar owners declined to pursue the matter. Background Investigator noted that the criminal record was found by checking State, City and FBI fingerprint databases.

(Background Investigation Report, p. 1-4)

IV-B. Disqualification Based on Criminal Conduct

...

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." (Background Investigation Report, p. 5)

Department cited the following conduct, in summary:

The conduct described above. (Background Investigation Report, p. 5-8)

IV-B. Disqualification Based on 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. When investigating an arrest record, the investigator must, to the extent reasonably possible, secure evidence, including but not limited to statements obtained from interviews with police officers, victims and witnesses, which will be used to determine whether the applicant engaged in disqualifying criminal [conduct]." (Background Investigation Report, p. 8)

Department cited the following conduct, in summary:

Conduct described above regarding the 2014 Assault and Disorderly Conduct arrest.

(Background Investigation Report, p. 8-10)

IV-B. Disqualification Based on Criminal Conduct

4. "In describing examples of disqualifying conduct, these standards may refer to the Illinois Compiled Statutes. The references to the Illinois Compiled Statutes are descriptive only. Any similar federal offense, military offense or offense in any

jurisdiction within the United States (state or local) or any foreign jurisdiction may serve as a basis for disqualification.” (Background Investigation Report, p. 10)

Department cited the following conduct, in summary:

The conduct described above. (Background Investigation Report, p. 5-8)

Basis #2

IV-B. Disqualification Based on Criminal Conduct

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 that the applicant has a reputation or propensity for truthfulness, is believable and has a personal history free from deceit or fraud.” (Background Investigation Report, p. 13)

Department cited the following conduct, in summary:

Applicant was said to have not been able to recall the name of an ex-girlfriend who kicked in Applicant’s door in 2022 when Applicant spoke of the incident in a videoconference background interview. Later in a phone call follow-up, he was said to have replied that the individual’s name was “[Name redacted], or something like that.” He explained the individual paid for the damage.

Applicant also did not disclose as required that he had a 6-pointed star tattoo on his back, until he was asked about it in a follow-up phone interview. Applicant reported that it was not disclosed because the tattoo wasn’t finished, and it was supposed to be a diamond. Applicant was said to have told the Investigator Applicant knew why he was asking about it, because another local police department had asked him about it during an arrest. Applicant denied it was a gang-related tattoo. The Background Investigator asserted that based upon the Investigator’s knowledge and experience and that of the other local police department, the 6-pointed star description provided by the other local police department on an arrest record is a tattoo affiliated

with the Black Gangster Disciples street gang. (Background Investigation Report, p. 14-15)

IV-B. Disqualification Based on Criminal Conduct

7. Other Criminal Conduct

(b) Conduct Indicating Dishonesty

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 the section that constitutes a misdemeanor within the last three (3) years (from the date of the PHQ submission), or more than one (1) time in his or her life, may be found unsuitable for employment." (Background Investigation Report, p. 15)

Department cited the following conduct, in summary:

The conduct in Basis #1 above regarding 2203, 2004 and 2008 DUI convictions and driver's license suspensions. (Background Investigation Report, p. 15-16)

Basis #3

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; se offenses; assault; battery; aggravated battery; offenses against property; robber; 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 the section that constitutes a misdemeanor within the last three (3) years (from the date of the PHQ submission), or more than one (1) time in his or her life, may be found unsuitable for employment." (Background Investigation Report, p. 16-17)

Department cited the following conduct, in summary:

The conduct in the 2014 Assault and Disorderly arrest in Basis #1 above. Additionally, Applicant self-reported that in July 2017 he resigned in lieu of termination from his position as a

security officer in a hospital after an altercation with another employee in which he told the other employee that “he would get slapped.” Applicant reported the other employee would start to kick and “launch hot sauce” at Applicant whenever he was in his presence. (Background Investigation Report, p. 17-19)

Basis #4

IV-B. Disqualification Based on Criminal Conduct

7. Other Criminal Conduct

(d) Conduct Involving the Unlawful Use of Weapons

"Police officers are generally required to possess and occasionally use weapons in the exercise of their duties. An applicant's prior unlawful use of a weapon demonstrates his or her inability to handle weapons judiciously, a vital requirement necessary to protect the public and its trust in the police. Therefore, any conduct involving the unlawful use of weapons will be grounds for disqualification. Conduct involving the unlawful use of weapons includes but is not limited to, conduct which constitutes the knowing sales, manufacture, purchase, possession, carrying or use of any prohibited weapon, ammunition, enhancement, or projectiles; the discharge of any weapon in a prohibited manner or gunrunning. 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 the section that constitutes a misdemeanor within the last three (3) years (from the date of the PHQ submission), or more than one (1) time in his or her life, may be found unsuitable for employment." (Background Investigation Report, p. 19)

Department cited the following conduct, in summary:

The conduct in the 2014 Assault and Disorderly Conduct arrest in Basis #1 above.

(Background Investigation Report, p. 19-22)

Basis #5

IV-B. Disqualification Based on Driving Record

1. "Police officers are regularly required to operate motor vehicles in dangerous situations. They are thus required, to the extent reasonable, to operate vehicles in a careful manner protective of the public. Applicants with a poor driving history are deemed unable to meet this requirement. Further applicants with more than one DUI or reckless driving incident, regardless of the date of the incident, or any driving-related incidents which resulted in the suspension or revocation of a driver's license, may be found unsuitable for employment." (Background Investigation Report, p. 22)

Department cited the following conduct, in summary:

The conduct in the 2003, 2004 and 2008 DUI convictions and driver's license suspensions in Basis #1 above. (Background Investigation Report, p. 22-23)

Basis #6

IV-D. Disqualification Based on Prior Employment History

1. "Police officers are required to work well with others, 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."

2. "A poor employment history will 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, absenteeism, tardiness or failure to follow regulations will 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 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."

(Background Investigation Report, p. 23-25)

Department cited the following conduct, in summary:

The conduct that led to resignation in lieu of termination from a hospital security position in 2017 described in Basis #3 above. Additionally, Applicant was terminated from his utility/mechanic position at a rail company after falling asleep at work in 2007. Applicant was reported to have explained that he also received a suspension after a meeting with a manager and supervisor "regarding situations involving other employees" that made him uncomfortable and for which he said he was not represented by his own union, but rather by the drivers' union rep. It is reported Applicant described that he had resigned himself from multiple situations in which he wasn't getting along with other employees. (Background Investigation Report, p. 23-25)

IV-D. Disqualification Based on Prior Employment History

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 Department employee, may be found unsuitable for employment...”

“Violating Rules and Regulations of the Chicago Police Department:

V. Rules of Conduct

Rule 1. Violation of any law or ordinance.” (Background Investigation Report, p. 25)

Department cited the following conduct, in summary:

The conduct in the 2014 Assault and Disorderly Conduct arrest in Basis #1 above.

(Background Investigation Report, p. 26-28)

“Violating Rules and Regulations of the Chicago Police Department:

V. Rules of Conduct

Rule 8. Disrespect to or maltreatment of any person, while on or off duty.

Rule 9. Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.” (Background Investigation Report, p. 28-34)

Department cited the following conduct, in summary:

The conduct in the 2014 Assault and Disorderly Conduct arrest in Basis #1 above and the 2017 regarding the altercation with another hospital employee that led to Applicant’s resignation in lieu of termination in Basis #3 above. (Background Investigation Report, p. 28-34)

“Violating Rules and Regulations of the Chicago Police Department:

V. Rules of Conduct

Rule 21. Failure to report promptly to the Department any information concerning any crime or other unlawful act.

Rule 38. Unlawful or unnecessary use or display of a weapon.” (Background Investigation Report, p. 34-36)

Department cited the following conduct, in summary:

The conduct in the 2014 Assault and Disorderly Conduct arrest in Basis #1 above.

(Background Investigation Report, p. 34-39)

Basis #7

IV-F. Disqualification Based on Membership or 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 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 an criminal organization at the time of processing or hire."

(Background Investigation Report, p. 39-40)

Department cited the following conduct, in summary:

The conduct in Basis #2 above as it relates to the 6-pointed star tattoo allegedly indicating an affiliation with the Black Gangster Disciples street gang. (Background Investigation Report, p. 39-40)

Basis #8

IV-H. Disqualification Based on Other Conduct

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 not suited for employment as a police officer, will be found unsuitable for employment." (Background Investigation Report, p. 40)

4. "Any applicant who has engaged in conduct affecting public health, safety and decency, including but not limited to disorderly conduct, illegal gambling, child endangerment or other offense may be found unsuitable for employment." (Background Investigation Report, p. 43)

5. "Any applicant who engages in conduct [which could constitute] an aggravated offense, including but not limited to, deception involving certification of a disadvantaged business enterprise; contributing to the delinquency of a minor; conduct involving public contracts or other conduct will be found unsuitable for employment." (Background Investigation Report, p. 46-47)

Department cited the following conduct, in summary:

The conduct in the 2003, 2004 and 2008 DUI convictions and driver's license suspensions in Basis #1 above. (Background Investigation Report, p. 40-46)

Basis #9

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

"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 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." (Background Investigation Report, p. 47)

Department cited the following conduct, in summary:

The conduct in Basis #2 above regarding the failed disclosure of the 6-pointed star tattoo allegedly indicating an affiliation with the Black Gangster Disciples street gang and failed disclosure of the name of the former girlfriend who kicked in his door in 2022 (Background Investigation Report, p. 47-48)

Basis #10

J. Disqualification Based on Polygraph Results

"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. Applicants may therefore be given a polygraph examination. The polygraph examination is used as a tool to elicit information and verify information collected during the pre-employment investigation. [The results of the polygraph examination will be used as a part of the hiring process in determining an applicant's suitability for the position of Police Officer.] Admissions made during a polygraph examination, or an indication of deception, along with other factors, may be used as a basis for disqualification." (Background Investigation Report, p. 48)

Department cited the following conduct, in summary:

As reported by the Investigator, Applicant “did not mention domestic incident or the relationship of ‘[Name redacted],’ (the conduct described in Basis #2 above) during the polygraph exam, though Applicant had been in a physical altercation with a family member or someone he “was in a relationship with.”

Applicant was noted as have “No/NSR” (no response/no significant response) when he stated he “no longer has any association with his family (excepting funerals) because he is in the security profession. Applicant’s cousin was a member of the Gangster Disciples street gang, and his brother was a member of the Vice Lords street gang who was imprisoned for seven years for shooting someone. He reported the last time he saw his brother was at a family funeral in January 2022. Applicant was reported to have explained he grew up around gangs but was never involved.

Applicant failed to disclose the tattoo described in Basis #2 above during the polygraph examination.

(Background Investigation Report, p. 48-49)

Appeal, Response and Reply

The following is a summary.

Appeal. In the original emailed Appeal Applicant did not specify the error in factual determination underlying the disqualification except for a denial of past and current association with criminal organizations. Applicant explained the tattoo was incomplete for a while because it was initially done with “unprofessional instruments,” and was later completed by a professional. Applicant pointed out that he has no contact history as a gang member, even though he felt it was easy to be labeled as one in the neighborhood where he grew up in a single

parent household. He explained he's been "on his own" for 17 years¹. He expressed he sometimes felt harassed by the police growing up, referencing a day in which he received six traffic tickets from the police. Per Applicant, he accepts that he had altercations in the past, that he can't take back past decisions, but has learned and overcome the obstacles he faced as a 19-year-old with no parents worrying about bills instead of college. He explained he is a proud father of three children and considers his aunt, a retired detective who introduced him to the security field, to be his mentor and second mother. Applicant explained he has tried other occupations, but that security and public safety is his passion and what he is "really good at." Applicant reported receiving commendations for his hard work. Applicant expressed his desire to part of change and when CPD removed the college requirement for hiring he thought it could be his place and a blessing. (Appeal)

Response. In summary, Department iterated it stands on the reasons and bases set forth in the disqualification letter, arguing the tattoo and Applicant's family ties to street gangs taken in combination indicate he is affiliated with a gang. Department pointed out that both the background investigator and another local police department in their knowledge and experience identified the tattoo as that of a faction of the Black Gangster Disciples, and that Applicant was "evasive and not entirely forthcoming," changing his answer about the tattoo multiple times. Department countered Applicant's receiving the six traffic tickets in a day by pointing out Applicant's driver's license was suspended three times for multiple DUI convictions. Department expressed that it found "most troubling" Applicant's evasiveness in answering questions during the process and his history of "a propensity for verbal assaults and violent tendencies" – overall the background was "extremely troubling." It asserted that the multiple

¹ Date of birth is September 1985, Applicant is 38 years old (Background Investigation Report).

DUI convictions and license suspensions would in and of themselves be a basis for disqualification. (Response)

Reply. In his Reply, Applicant indicated that he'd "had time to see the factors against [him]" and then replied to the individual conduct in detail, all which was raised in the Response.

2003, 2004 and 2008 DUI Arrests & Driver's License Suspensions. As to the suspensions, Applicant said did not know why one of the suspensions was still showing up on his abstract as he had "met the deadline." As to another suspension, Applicant averred the practice of targeting and labeling "still exists" and the day he received six traffic tickets there were no violations, but that he was a male driving a nice car and got "the wrong attention." He explained he couldn't contest the tickets because he was afraid he'd lose his job for calling off work. As to the DUIs, Applicant explained the first was because he made a "careless" decision as a youth and that the second was when he became "careless" after his mother died and he was homeless. He wrote that he had tried to get into the military, but his child's mother would not sign the required parental papers. Applicant then wrote he was rejected by the marines due to his forearm-length tattoo, and while the army accepted him, by that time he was employed.

2014 Conduct That Led to an Assault and Disorderly Conduct Arrest. Applicant explained parking was a constant problem and that he'd informed law enforcement "numerous" times when he couldn't enter his residence and about the "attitudes" from the bar's staff. Applicant explained that during the incident, the bar employee approached him when Applicant got out of his car. Applicant "made comments" after having to ask them to move cars so he could get into his residence. Applicant explained that he was getting his security duty equipment from his vehicle at the time, that the employee was intoxicated, made "comments" to Applicant, and then left. Applicant expressed curiosity that he had called the police numerous times with no

response, but when the bouncer (who he claimed had police “acquaintances”) called the police came and arrested Applicant after that single call.

2007 & 2017 Prior Employment. Applicant disagreed that he would not be a good officer and noted he has a professional attitude and presence and has received several commendations. Applicant also made reference to certain people not wanting to work with others if those certain people want to cut corners with rules and regulations, and that he can’t cut corners because he has a family to take care of and that not everyone has “a person to run to if they mess up” and that those people who may want to cut corners or be careless don’t appreciate the opportunities they’ve had because they’ve never been homeless.

2022 Ex-Girlfriend’s Identity. Applicant wrote that he didn’t recall her correct last name. Then he wrote that he wanted to keep past relationships in the past and did not keep current with her, that her name was available on court documents. He iterated it was criminal damage to property and not domestic.

Family Gang Ties. Applicant iterated he does not communicate with his brothers, and that he and his mother were traumatized by them, and he had been “picked on” and beaten for not being like them by his brothers. Applicant further wrote his brothers do not like his chosen professional (security).

6-Pointed Star Tattoo. Applicant iterated he has never had a gang affiliation and that he has other tattoos, including a 5-pointed star tattoo. Applicant pointed out that tattoos are an art and that there are many meanings and uses for a 6-pointed star.

Applicant generally asserted that he cooperated in presenting things honestly, and that if he “didn’t receive information, it’s because it was withheld,” referencing he didn’t know the tattoo would be something negative which has since been professionally completed. (Reply)

Findings of Fact

Filings were timely.

Department provided the factual basis for its decision to disqualify Applicant and remove Applicant's name from the eligibility list for which Applicant was given the opportunity to file a written appeal specifying why the Department erred in the factual determinations underlying the Department's decision *and/or* provide additional facts directly related to the bases for disqualification.

2003, 2004 and 2008 DUI Arrests & Driver's License Suspensions Detailed in Basis #1. It appears from a review of the information provided there were two rather than three arrests for DUI (2003 and 2008) and three suspensions of the license (2003, 2004 and 2008). From what Applicant described in his Reply, it appears there was ministerial requirements that went unmet when he thought he "met the deadline" that led to the license being suspended in 2004 (he stated he was surprised by it being on his driving record abstract).

2014 Conduct That Led to an Assault and Disorderly Conduct Arrest Detailed in Basis #1. Applicant was not credible when he explained the circumstances around his use of the baton on the night he was arrested after an altercation with the bouncer at the bar. The original police report did not include any statements from Applicant that he was just removing his security job equipment from his vehicle, and that the bouncer approached Applicant (rather than the other way around). There was a third-party witness. A description from the bar employee/bouncer taken by the R/O detailed the way Applicant approached him and the stance Applicant took with the baton while wearing a badge. While it may be true Applicant retrieved those items from his vehicle, it does not appear that he was retrieving them at the time of the altercation. It appears he had already retrieved those items and then approached the bouncer in a threatening manner. The

R/O made no mention of the bouncer being intoxicated or that Applicant told the R/O that the bouncer was intoxicated or that it was the bouncer who approached Applicant at his vehicle, as was claimed by Applicant on his PHQ. It is clear from all accounts that Applicant was angered by the numerous times he was unable to enter his residence because of bar-occupant vehicles. While Applicant never faced trial for his actions there are many reasons why individual conduct may not result in an arrest, or an arrest may not result in a case going to trial.

2007 & 2017 Prior Employment Detailed in Bases #3 and #6. It appears from the evidence that Applicant had conflicts with other employees at both the hospital and the rail company. He resigned in lieu of termination after an altercation with another employee. Having served one suspension (which he claimed was because he had a meeting with a manager and supervisor complaining about other employees), Applicant was ultimately terminated for sleeping on the job because he fell asleep while on duty at the rail company.

2022 Ex-Girlfriend's Identity Detailed in Basis #2. From the filings it appears more likely Applicant did not disclose the name of this individual because he did not want to, not that he couldn't recall. He wrote that her name was available in court records. It was his obligation to get those court records if he truly did not recall her name.

6-Pointed Star Tattoo Detailed in Basis #2. Applicant did not disclose this tattoo as required until he was confronted with its existence. Applicant has a 6-pointed star on his back that was put there by someone who was not a professional, as Applicant claims. While a 6-pointed star has more than one meaning (for instance, a Star/Shield of David in Judaism), the fact that it was not done by a professional ("finished" by a professional later), Applicant failed to disclose it and evasive in his answers regarding its significance, and that he has a cousin who is/was a Black Gangster Disciple street gang member raises serious concerns as to Applicant's past affiliation or

attempt to affiliate with a street gang or its members.

Family Gang Ties Detailed in Basis #10. Applicant did not disclose until specifically questioned about them, that he has at least two relatives, a cousin and a brother (Applicant referenced “brothers”) who are/were involved in street gangs. The family members’ current associations to street gangs were unclear from the filings. Applicant indicated he does not communicate with them except for family funerals, the last time he saw his brother was at a January 2020 funeral. Somehow Applicant is aware they do not approve of his being in the security profession – how he knows that is unclear. It appears Applicant intentionally did not disclose these individuals, likely because of their affiliations with street gangs.

By a preponderance of the evidence, **Applicant DID NOT** provide sufficient additional facts directly related to or adequately specify why the Department erred in its factual determinations.

Conclusions of Law

Pursuant to the Municipal Code of Chicago (“MCC”) 2-84-030 the standard of review for appeals of disqualification and removal of an applicant’s name from the Eligibility List is that Applicant shall show by a preponderance of evidence that Department’s decision to remove the applicant from the Eligibility List was erroneous (MCC 2-84-035(c)). Therefore, according to the law and procedures, findings and recommendations are based upon whether Applicant’s Appeal shows by a preponderance of the evidence that Department erred in removing Applicant’s name from the Eligibility List, based upon the employment standards established by the Department. Applicant attempted to explain away the facts underlying the factual determinations. Applicant did not explain if or why the application of the individual disqualification standards to the facts offered to support them were in err. Additionally, as the

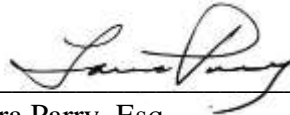
Department pointed out, even if the sole conduct was the DUI convictions and driver's license suspensions that would have been enough to support the decision to disqualify.

Applicant **DID NOT** show by a preponderance of the evidence that Department erred in the exercise of its decision to remove Applicant's name from the Eligibility List for the reasons stated herein.

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,



Laura Parry, Esq.
Appeals Officer

Date: October 13, 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, Michael Eaddy, 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, Michael Eaddy, and Andreas Safakas.

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

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director