

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 23 AA 15**
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 12, 2022, the Office of Public Safety Administration (the “Office”) gave Applicant written notice of its decision to remove her from the list of eligible applicants for this position (“Eligibility List”) due to the results of a background investigation, along with the reasons for the disqualification decision (“Notice”).

On December 12, 2022, Applicant appealed this decision to the Police Board by filing a written request specifying why the Chicago Police Department (the “Department”) erred in the factual determinations underlying the disqualification decision and bringing to the Police Board’s attention additional facts directly related to the reasons for the disqualification decision, pursuant to Section 2-84-035(b) of the Municipal Code of Chicago (the “Appeal”).

The Department did not file a response to the Appeal.

Appeals Officer Cooper has reviewed the Notice and Appeal.

APPEALS OFFICER’S FINDINGS, CONCLUSIONS, AND RECOMMENDATION

Appeals Officer Cooper, 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

On December 12, 2022, the Applicant timely appealed her removal from the Eligibility List, as authorized by Section 2-84-035(b) of the Municipal Code of Chicago.

The Notice cited a background investigation and provided two reasons for Applicant’s removal. First, the Department claimed that the Applicant had an excessive level of indebtedness, with a 73% Debt to Credit Ratio, nine delinquent charges from 30 to 90 days old and 16 negative entries on her report. (*Id.* at pg. 3.) Second, the Applicant lacked a Firearm Owners Identification (“FOID”) card, which was necessary to, among other things, participate in the required firearms training. (*Id.* at pgs. 3-5.)

In her Appeal, the Applicant disputed the Department’s claims and presented evidence to support her arguments. Specifically, the Applicant stated that she had paid off her debts as of December 12, 2022, and had obtained her FOID card around December 7, 2022. (Appeal.) She attached documents that appeared to demonstrate the payment of certain debts, as well as a photocopy of her FOID card.

The Department did not file a response to the Appeal.

Findings of Relevant Facts

Biographical Information

Applicant is a thirty-nine-year-old African American female. (Notice at pg. 2; Appeal.)

Applicant's Credit History

Based on the limited record, it appears that a background check was conducted on the Applicant's credit history, which uncovered a "73% Debt to Credit Ratio," "nine delinquent charges ranging from 30 to 90 days old," and "16 negative entries on her report." (Notice at pg. 3.) However, this statement is the sole evidence in the record regarding the Applicant's credit history. Importantly, there is no specific information in the record about the delinquent charges or negative entries on the Applicant's credit report. The record is also devoid of any details concerning the Applicant's credit score or current outstanding debts.

In her Appeal, Applicant states that she "paid [her] debts as of December 12, 2022." (Appeal.) In support of this statement, Applicant includes the following chart in her Appeal:

Capital One \$518.28	Confirmation # RC9771670623933	(888)-665-0374
First Premier \$566.88	Confirmation # 0244551274	(800)-987-5521
Merrick \$566.42		(866)-611-2731
Credit One \$764.00	Acct # 319101804	(877)-382-5553
Oportun \$2,254.00	Ref # 51960139	(800)-542-8714
Regional Finance \$ 983.87	Acct # 112000533541	(888)-636-3535

(Appeal.)

Applicant attaches emails to her Appeal evidencing the payment of the debts referenced in the chart. (Appeal at Exs. 1-6.)

FOID Card

According to the Notice, the background check revealed that the Applicant had been denied a FOID card in April 2022 due to a voluntary mental health hospitalization in 2014. (Notice at pg. 3.) On August 25, 2022, an investigator contacted the Applicant to inquire about her ability to obtain a FOID card, which is a requirement for becoming a Chicago Police Officer. (*Id.* at pg. 4.) The Applicant informed the investigator that she had received clearance from her medical doctor and reapplied for the card in July 2022, but was still awaiting a decision. (*Id.*) The investigator later confirmed that the Applicant had filed an appeal on July 25, 2022, but was advised that such appeals can take up to a year to be resolved. (*Id.*)

In her Appeal, the Applicant stated that she had obtained her FOID card in December 2022 (Appeal.) To support this claim, the Applicant attached a photocopy of her FOID card to her Appeal.



(Appeal at Ex. 7.)

Disqualification Decision and Appeal

Due to Applicant's credit history and her then-failure to obtain a FOID card, on October 12, 2022, the Office sent Applicant written notice of its decision to remove her from the Eligibility List. (*See Notice.*) This appeal followed.

Conclusions of Law

Standard of Review

Pursuant to Section 2-84-035(c) of the Municipal Code of Chicago, an applicant challenging the decision to remove him or her from the Eligibility List has the burden of showing, by a preponderance of the evidence, that the decision was erroneous.

Disqualification Based on Indebtedness

Special Order 21-01 (the "Special Order") contains the "Pre-Employment Disqualification Standards for Applicants for the Position of Police Officer." (*See* Special Order 21-01.) The relevant section from Special Order 21-01, Section IV(K)(1), states as follows:

"Police officers are occasionally required to handle significant amounts of currency in the execution of their duties. Further, police officers with significant indebtedness are considered particularly susceptible to corruption and coercion. *Therefore, any applicant who has current personal debts not related to a business, mortgage loans, student or auto loans, or medical bills the total of which is in excess of fifty percent (50%) of the annual starting salary of a Chicago Police Officer at the time of application, or at any point during the hiring process, will be found unsuitable for employment. Regardless of the source of debt, an applicant who has defaulted on any loan or has an inconsistent payment pattern may be found unsuitable for employment.*"

(emphasis added.)

Here, there is no evidence to suggest that the Applicant's relevant debt ever exceeded 50% of the annual starting salary of a Chicago Police Officer. In fact, the only evidence regarding the amount of debt held by the Applicant is what she presented in her Appeal. (Appeal.) According to this evidence, as of December 12, 2022, the Applicant owed \$5,652.58, which is well below the threshold set out in Section IV(K)(1). (*Id.*) Therefore, the Applicant is not barred by the mandatory

language of this section from becoming a police officer, and it would be improper to use this language to remove her from the Eligibility List.

Moreover, there is no basis to remove the Applicant from the Eligibility List based on the discretionary language in Section IV(K)(1). There is no evidence that the Applicant has defaulted on a loan, and although there is some evidence of an inconsistent payment pattern, the Applicant has fully paid off all her debts as of December 12, 2022, and even secured a job to pay her bills. Thus, based on the evidence presented, the discretionary language of Section IV(K)(1) should not be used to disqualify the Applicant from the Eligibility List.

Disqualification Based on Lack of FOID Card

The Department also removed Applicant from the Eligibility List because of her failure to obtain required documents needed for processing her background investigation. (Notice at pgs. 3-4.) Specifically, Applicant was removed from the Eligibility List because she had failed and/or was unable to obtain her FOID card. (*Id.*) Here, however, it is undisputed that Applicant now has her FOID card. In light of the Applicant's acquisition of her FOID card, there is no longer any basis for the Department to maintain her removal from the Eligibility List on the ground that she failed to obtain required documents.

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 **reversed**.

Respectfully submitted,

/s/ Kyle A. Cooper

Appeals Officer

Date: February 8, 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 7 in favor (Ghian Foreman, Paula Wolff, Steven A. Block, Mareilé B. Cusack, Nanette Doorley, Michael Eaddy, and Jorge Montes) 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 **reversed**, and the Applicant is **reinstated to the eligibility list**.

This decision and order are entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Steven A. Block, Mareilé B. Cusack, Nanette Doorley, Michael Eaddy, and Jorge Montes.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY OF APRIL, 2023.

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director