

POLICE BOARD  
CITY OF CHICAGO

CPD APPLICANT APPEALS  
RELEVANT SECTIONS OF THE  
MUNICIPAL CODE OF CHICAGO

2-84-030 Police board – Powers and duties.

The board shall exercise the following powers:

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4. To serve as a board to consider appeals, pursuant to Section 2-84-035, by applicants for a probationary police officer position who have been removed from the Department of Police's eligibility list due to the results of a background investigation.

2-84-035 Appeals by applicants removed from eligibility list.

(a) Definitions. For purposes of this section, the following definitions shall apply:

"Applicant" means a person who has applied for a probationary police officer position with the Department.

"Board" means the Police Board created pursuant to Section 2-84-020.

"Department" means the City's Department of Police.

"Eligibility list" means the Department's list of eligible applicants for a probationary police officer position with the Department.

(b) Appeals. Appeals by applicants who have been removed from the eligibility list due to the results of a background investigation shall be governed by the following procedure and applicable rules:

(1) The applicant shall be given written notice by the Department of the Department's decision to remove the applicant from the eligibility list, along with the reason(s) for the disqualification decision.

(2) The applicant may, no later than 60 calendar days from the date on the notice, appeal the decision of the Department by filing with the Board a written request specifying why the Department erred in the factual determinations underlying the disqualification decision, or bringing to the Board's attention additional facts directly related to the reason(s) for the disqualification decision.

(3) The Department may file a written response, and the applicant may file a written reply to the Department's response, as provided in the Board's rules of procedure.

(4) The Board shall render a decision on the appeal, as provided in the Board's rules of procedure.

(c) Burden of proof. The applicant shall have the burden of showing, by a preponderance of the evidence, that the Department's decision to remove the applicant from the eligibility list was erroneous.

(d) Hearing officers and final decisions. The Board may appoint hearing officers to consider applicants' appeals in accordance with this section and the rules of procedure adopted by the Board. Each hearing officer shall be an attorney admitted to the practice of law in the State of Illinois in good standing. Hearing officers may make findings of fact, conclusions of law, and recommendations to the Board. The Board shall be the final decision-making authority regarding any appeal under this section, and such decision shall constitute a final decision for purpose of judicial review by a court of competent jurisdiction.

(e) Documentary review. The Board's consideration of the appeal provided in this section is limited to review of: (1) the applicant's request and reply; (2) the Department's response; (3) any relevant documentary evidence submitted with such request, reply or response; and (4) the hearing officer's findings, conclusions, and recommendations. There shall not be a hearing (whether in person or by video or audio conference) on the Department's decision to remove the applicant from the eligibility list.

(f) Failure to file timely appeal. If an applicant does not file a timely appeal as provided in subsection (b), such applicant shall be deemed to have waived his or her right under this section to appeal the Department's decision to remove the applicant from the eligibility list.

(g) Rules. The Board is authorized to promulgate rules of procedure not inconsistent with this section regarding the conduct of appeals under this section.