

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 23 AA 42**  
**APPLICANT FOR THE POSITION OF** )  
**POLICE OFFICER,** ) **(Taleo No. [redacted])**  
**CITY OF CHICAGO.** )

**FINDINGS AND DECISION**

[Name redacted] (hereinafter referred to as “Applicant”) applied for a police officer position with the City of Chicago. In a letter dated October 17, 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”).

On October 29, 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 December 7, 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”). Applicant did not file a Reply. Police Board Appeals Officer Mamie Alexander has reviewed the Notice, Appeal, and Response.

**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, and the Response was filed within the time period allowed by the Police Board Rules of Procedure.

According to the Notice, Applicant was removed from the Eligibility List for the following reasons:

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

### **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.
- 2) Any conduct demonstrating a reputation or propensity for dishonesty may be grounds for disqualification. Conduct demonstrating a propensity for dishonesty includes but is not limited to conduct that would constitute theft; embezzlement; forgery; false impersonation; identity theft; bribery; eavesdropping; computer crimes; fraud; money laundering; deceptive practices; or perjury.

### **C. 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.

- 2) Exceptions to this standard will apply where one or both suspensions of driving privileges were the result of failure to comply with a Vehicle Emissions Inspection Law or failure to pay parking fines. While such conduct alone may not lead to disqualification, in combination with other factors, it may be the basis for finding an applicant unsuitable for employment.

CPD Rules and Regulations: Rule #1: Violation of any law or ordinance.

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

- 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 may 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 Police Department employee, may be found unsuitable for employment. In addition, an applicant with a history of sporadic employment, evidenced by frequent changes in employment or short duration, may be found unsuitable for employment.

CPD Rules and Regulations: Rule #5: Failure to perform any duty.

CPD Rules and Regulations: Rule #5: Inattention to duty.

CPD Rules and Regulations: Rule #11: Incompetence or inefficiency in the performance of duty.

CPD Rules and Regulations: Rule #13: Failure to properly secure and care for Department property.

CPD Rules and Regulations: Rule #30: Leaving duty assignment without being properly relieved or without proper authorization.

**G. Disqualification based on Indebtedness**

2) Any applicant who owes a debt to the City of Chicago at any time during the processing will be given a reasonable amount of time to clear those debts. Any applicant who owes a debt to the City of Chicago at the time of hire will 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 his conduct involving dishonesty, driving record, employment history, indebtedness, and false statements or omissions and/or failure to cooperate with the application process. Department alleges that Applicant was arrested and charged with UUI and obstruction of identification and has seven driving citations and four driver's license suspensions on his record. He also committed serious infractions while working

at the Cook County Sheriff's Office ("CCSO") as a corrections officer, and was terminated by several employers. In addition, Applicant owes over \$3,200.00 in outstanding tickets, and was a no-show/no-call for his scheduled interview with the Investigator.

### **Appeal and Response**

Applicant appeals the decision, stating that he "vehemently" disagrees with the disqualification. He states that he is not a criminal or someone who is dishonest. Applicant claims that he was unaware that he was committing a crime when he was arrested for UUW, and used his brother's name during his arrest because his license was suspended. He states that his license suspensions and indebtedness to the city occurred because he was unemployed and had to use his money to support his daughters and household expenses.

Applicant states that while working at the CCSO, he was a hardworking and prompt employee. He asserts that the two incidents described in the Notice were due to limited training. In addition, he states that he missed his interview with the Investigator because he had a polygraph examination with Homeland Security that day that he was obligated to attend.

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 were based upon are clear (namely, Disqualification based on Other Criminal Conduct, Conduct Indicating Dishonesty, Driving Record, Prior Employment History, Indebtedness, and False Statements 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 had Applicant been in their employ, he would have been in violation of at least five rule violations, “each of which would serve by themselves as grounds for disqualification.” Department adds that Applicant’s history is extremely troubling and serves as grounds for disqualification.

### **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 Applicant’s conduct involving dishonesty, driving record, employment history, indebtedness, and false statements or omissions and/or failure to cooperate with 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.

### **Conduct Indicating Dishonesty**

Applicant’s fingerprint checks from the CPD, State Police and FBI database revealed that Applicant was arrested by the Evergreen Park Police Department (“EPPD”) in December, 2018 for driving without headlights, driving on a suspended license, UUW, and obstructing identification.

The EPPD incident report revealed that Applicant was stopped for a broken headlight, and when asked for his driver’s license and identification, Applicant stated that he left his wallet at home and did not have any identification on his person. When asked his name and date of birth, Applicant gave an alias, and was arrested after a LEADS check showed a photo of

Police Board Case No. 23 AA 42  
Findings and Decision

someone other than Applicant. After his arrest, an EPPD officer searched the vehicle and found a firearm and separate magazine containing eight rounds under the driver's seat. When asked why he gave a fake name, Applicant advised the officers that he was nervous because his license was suspended. Applicant pled guilty to UUW and received supervision; the remaining charges were dismissed.

Applicant admitted to the Investigator that he was arrested and charged with UUW after being pulled over for a broken headlight. He stated that he thought it was ok to have the firearm under the seat because he had a FOID card. Applicant failed to reveal to the Investigator that he was also charged with Obstructing Identification.

In his Appeal, Applicant states that he was unaware that he was breaking the law and wanted to keep the firearm out of his home so that no one could access it. He states that he gave his brother's license information instead of his own to avoid his car being towed and incurring fees that he could not pay. Applicant stresses that he is not a criminal or a dishonest individual. He states that he learned a lot from that "unfortunate incident," and is older and wiser now.

**Driving Record**

According to the Kentech report and Applicant's driving abstract, from 2016-2023 Applicant had seven driving citations and four driver's license suspensions on his record. His citations were for disregarding a stop sign, failing to show insurance or financial responsibility (three), speeding, and failure to pay fines (two).

In addition, Applicant's driver's license was suspended on four occasions (for 2 ½ years, 6 months, 2 ½ years, and 2 years, respectively). Three of the suspensions were for operating an uninsured motor vehicle, and one suspension was for having two or more moving violations in a 24-month period. In addition, the Investigator found four traffic stops under

Applicant's name for obstruction of driver's view, failure to display registration, a broken taillight and no valid registration.

In his PHQ, Applicant stated that his driver's license was suspended due to unpaid tickets, and in his Appeal Applicant declares that he should not be deemed unfit because of his "previous mishaps behind the wheel." Applicant states that he is not an incompetent driver, and takes traffic laws seriously. He explains that he went through a period of unemployment and was in a very tough financial position at the time the violations occurred.

### **Prior Employment History**

Applicant began working as a Corrections Officer with the CCSO in October, 2022. On March 15, 2023, Applicant was working in Division 9 at the Cook County Jail when his partner went on an approved break. While his partner was away, Applicant left his station without authorization and went across the hall, leaving the interlock door ajar and not secure. In addition, Applicant left the keys to his partner's station unsecured on the desk. Because Applicant's actions constituted a major breach of security, his Lieutenant recommended a 15 day suspension with options for Abandonment of Post and Failure to Secure Interlock Door.

Applicant advised the Investigator that his disciplinary history with the CCSO also included an incident where an inmate on his tier was "beaten up" by other detainees. Applicant told the Investigator that he was already on probation and may be fired pending the outcome of the investigation.

Applicant admitted in his PHQ that he was also suspended or reprimanded while working as a janitor at Kennedy King from 2017-2018. Applicant stated that he was let go after his supervisor recommended at a hearing that he should be fired. Applicant believes that he was "wrongfully terminated" for personal reasons. Applicant was also terminated from the ICON



movie theater in 2017 due to a claim that he was using profanity at the concession stand.

**Indebtedness**

A search of Applicant's driver's license and plate numbers revealed that Applicant has fifteen outstanding traffic tickets totaling \$3,274.40. Applicant stated in his Appeal that he planned to get on a payment plan "in January," as his recent "unemployment situation" has hindered money going anywhere other than expenses for his three daughters, bills, food and rent.

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

Applicant requested an in-person interview with the Investigator to continue his CPD processing and was scheduled for May 16, 2023 at 10:00 a.m. Applicant was a no-show/no-call for his scheduled appointment. In his Appeal, Applicant apologized to the Investigator, and stated that he had a polygraph examination scheduled the same day and could not make the appointment.

**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.

**Conduct Indicating Dishonesty**

Section B(7)(b) of the Standards states: "Any conduct demonstrating a reputation or propensity for dishonesty may be grounds for disqualification." Applicant lied to the arresting officer about his identity, and was charged with obstructing identification, U UW, driving on a suspended license, and driving without headlights.

In addition, during his interview with the Investigator, Applicant stated that he was unaware that he was breaking the law by having a firearm under the seat, but failed to inform the

Investigator that he was also charged with obstructing identification. As a result, Applicant's conduct could be found to demonstrate a propensity for dishonesty under Section B(7)(b).

### **Disqualification Based on Driving Record**

Section C(1) of the Standards states: "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." Applicant's driving abstract contains **seven** driving citations, including speeding and disregarding a stop sign.

Section C(1) also states: "...any driving-related incidents which resulted in the suspension or revocation of a driver's license may be found unsuitable for employment." Applicant had **four** driver's license suspensions on his record. As a result, Applicant's driving record could be considered grounds for disqualification based on Section C(1) of Department's Standards.

### **Prior Employment History**

Section D(2) of the Standards states: "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 may be found unsuitable for employment."

Applicant was recommended for a 15-day suspension from CCSO after leaving the interlock doors ajar, leaving keys to the area unattended, and leaving his assignment without authorization. In addition, Applicant was suspended for allowing an inmate to be attacked during his shift. Any one of these occurrences could be considered acts of incompetence or failure to

Police Board Case No. 23 AA 42  
Findings and Decision

follow regulations, in violation of Section D(2) of the Standards.

In addition, Applicant was discharged from his positions at Kennedy King College and the ICON Theater. These discharges, along with his history at the CCSO could be considered violations of both Sections D(2) and (3), as they would also violate several of CPD's Rules and Regulations.

**Indebtedness**

Section G(2) of the Standards states: "Any applicant who owes a debt to the City of Chicago at any time during the processing will be given a reasonable amount of time to clear those debts. Any applicant who owes a debt to the City of Chicago at the time of hire will be found unsuitable for employment." Applicant's PHQ submission was in March, 2022, and his background investigation is dated August, 2023. As of August, 2023, Applicant still owed over \$3,200.00 in unpaid tickets.

Furthermore, as of the date of Applicant's Appeal on October 29, 2023, the debt remained unpaid. In his Appeal, Applicant acknowledged that the debt was still outstanding, and stated that he "plans to get a payment plan for [his] city tickets as soon as January." Applicant's failure to clear his city debt for nearly two years while in the CPD application process could be considered unreasonable, and grounds for disqualification under Section G(2) of the Standards.

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

Department also cites Section I(1) of the Standards in support of Applicant's disqualification, which states: "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... failing to appear for scheduled appointments or processing sessions as directed.”

Applicant failed to appear and was a no-call/no-show for his in-person interview with the Investigator, which could be considered grounds for disqualification under Section I of the Standards.

No additional facts, evidence or arguments were submitted in Applicant’s Appeal that support his contention that Department erred in disqualifying Applicant based on his conduct involving dishonesty, driving record, employment history, indebtedness, and false statements or omissions and/or failure to cooperate with 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*

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Mamie Alexander  
Appeals Officer

Date: February 15, 2024

**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 (Kyle Cooper, Paula Wolff, Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, 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: Kyle Cooper, Paula Wolff, Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, and Andreas Safakas.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 22<sup>nd</sup> DAY OF FEBRUARY, 2024.

Attested by:

/s/ KYLE COOPER  
President

/s/ MAX A. CAPRONI  
Executive Director