

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 22 AA 13**  
**APPLICANT FOR THE POSITION OF** )  
**PROBATIONARY POLICE OFFICER,** )  
**CITY OF CHICAGO.** )

**FINDINGS AND DECISION**

[Name redacted] (hereinafter referred to interchangeably as “Applicant” and/or “Candidate”) 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 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 December 9, 2022, Applicant [Name redacted] appealed the above-referenced disqualification decision to the Police Board by filing a written request specifying why the Department of Police erred in the factual determinations underlying the disqualification decision.

The Chicago Police Department did not file a response, and accordingly, there was no reply filed by the Applicant.

**APPEALS OFFICER’S FINDINGS, CONCLUSIONS, AND RECOMMENDATION**

Appeals Officer Brian Porter, 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 Chicago Police Department did not file a response, and accordingly, there was no reply filed by the Applicant.

### **Chicago Police Department's Disqualification Decision**

According to the Notice, Applicant was removed from the list of eligible applicants for the position of probationary police officer for the following reasons:

Bureau of Organization Development's ("BOOD") Special Order No. 18-01 Section IV ¶

F. Disqualification based on Membership or Association with Criminal Organizations which states:

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 the 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 any criminal organization at the time of processing or hire.

Investigator Eric Wier's report further relied on standards extraneous to the reference material available to the Appeals Officer herein, and extraneous to BOOD Special Order No. 18-01 in pertinent part as follows:

"B. Standards of Conduct b. I will keep my private life unsullied as an example to all ... d. I recognize the badge of my office as a symbol of public faith, and accept it as a public trust to be held so long as I am true to the ethics of the police service."

"5. Since the conduct of a member, on or off duty, does reflect directly upon the Department, a member must at all times conduct himself in a manner which does not bring discredit to himself, the Department or the city."

"13. No member can allow his individual feelings and/or prejudices to enter into his public contacts. ..."

"V. Rules of Conduct Rule 2 This Rule ... prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes ... public and open association with persons of known bad or criminal reputation in the community unless such association is in the performance of police duties ... Rule 47 Associating or fraternizing with any person known to have been convicted of

any felony or misdemeanor, either State or Federal, excluding traffic and municipal ordinance violations. ...”

“C. Maintenance of private lives which inspire respect and admiration and provide an example for the entire community.”<sup>1</sup>

Specifically, on August 1, 2022, background Investigator Eric A. Wier of the Human Resources Division of the Chicago Office of Public Safety Administration prepared a Candidate Background Investigation Summary. Said report indicates that during the course of the investigation, it was determined that Applicant [Name redacted] was once expelled from high school for getting in a fight. According to Wier, said Applicant opined that part of the reason for the expulsion was that when her boyfriend came to the school to pick her up, he was blasting his music, and was known to be a Satan Disciple.

Investigator Weir’s report further states:

*during the same interview she [Candidate [Name redacted]] was asked about the Lucifer tattoo that she listed on her PHQ. The Candidate referred that to her Goth side, however, later she re-canted that statement and identified it as a gang tattoo identifying it as [a] recognized symbol from the Satan Disciples. On Aug 1, 2022 R/I Wier asked about the gang tattoo, she responded it’s covered up, nobody can see it, and she had that tattoo since 2008. R/I asked the Candidate about her boyfriend who she resides with and has been with since 2008. She acknowledged that he was a Satan Disciple, however he is not active in gang banging no more [sic]. I asked her if she was aware that he was a convicted felon, and she replied “yes”. ...”*

Finally, Investigator Wier’s report states “her boyfriend, Lucio Tapia, was convicted of Aggravated Battery to [an] Officer after him and two of his friends were involved in [an] altercation with off [an] off-duty police officer ... the Candidate’s boyfriend struck him with his fist ... Tapia and another offender attempted to pick up a sewer cover and strike the officer in the head with it ... Lucio Tapia plead [sic] guilty [and] served eight months and two years of probation.”

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<sup>1</sup> The Hearing Officer herein is unfamiliar with the standards relied upon above by Investigator Eric Wier which are beyond the scope of the Bureau of Organization Development’s Special Order No. 18-01.

**Applicant [Name redacted] Appeal**

In her appeal, Ms. [Name redacted] responded in pertinent part as follows:

*“from the very start of this process, I did disclose ... that my partner Lucio Tapia had a felony on his record [I was told this would not stop me in the process] because it wasn't a felony I committed and we weren't legally married. ... This felony happened over 10 years ago and since then Lucio has really changed his life and is now a law-abiding citizen. He has since had absolutely no run ins with the police. He is now a proud member of the union working with Cinespace studios. We have 3 children together who are all in a catholic school. ... Lucio has grown up and got out of that lifestyle. ... During the time I met Lucio, I was going through a goth phase. I got lucifer tattoo for the devil, which of course made it seem like I symbolized his gang affiliation. The tattoo doesn't define who I am today. I never got it removed ... Today I am 31 years old. I work with adults with disabilities and take pride in what I do. ... People change and learn from their mistakes ... I live a clean life.”*

**Findings of Fact**

In the instant appeal, neither party provides any supplementary documentation of the matters discussed above, such as affidavits, letters of recommendation, police reports, witness statements, Court Orders, or copies of other legal dispositions. Thus, the independent finder of fact is left to discern what is more likely true than not by weighing Investigator Wier's written report against Applicant [Name redacted] written response in the form of her appeal.

Based upon the information which has been submitted, it is more likely true than not that Applicant [Name redacted] was a member or affiliate of the Satan Disciples street gang. Applicant is in a long-term relationship with an individual who was acknowledged by Applicant herself to be a member of the Satan Disciples. Moreover, Candidate [Name redacted] still has a lucifer tattoo, which she admitted, at least once during the interview process, was a Satan Disciples gang symbol. Applicant also provided the alternative explanation that said tattoo was attained during a time when she was going through a “Goth” period, which was repeated in her appeal. The Appeals Officer however, finds that a reasonable person would find it more likely true than not that a tattoo which matches the symbol of the gang which the Candidate's long-term life partner is a member of,

represents either membership or affiliation with the same gang herself, rather than a coincidence.

More concerning, however, is not only that Applicant [Name redacted] long-term life partner was a known member of the Street Disciples gang, but that he served time in prison for physically attacking an off-duty police officer. Applicant [Name redacted] correctly points out that she is not married to Lucio Tapia, and that she is not responsible for his past criminal activity. However, there was no evidence offered by either side of how long ago his gang affiliation ended, if at all, no evidence of when and whether Mr. Tapia completed the requirements of his probation after being released from prison, and no evidence of any contrition for his battery upon an off-duty police officer.

Again, from a purely general societal perspective, Candidate [Name redacted] is correct that she is not responsible for the past activity of her long-term life partner. However, potential Chicago Police are held to a different standard than the general public. In the instant matter, the Candidate and Mr. Tapia have cohabitated for many years, have 3 children together, and the evidence demonstrates that she and Tapia were a known couple throughout the time of his documented criminal activity and gang membership. Under these circumstances, it is incumbent upon Applicant [Name redacted] to provide affirmative evidence beyond the general statement that her tattoo of the devil was not a symbol of the Satan Disciples gang, and that her known-to-be, or known-to-have-been Satan Disciples live-in boyfriend has grown up and is no longer “gangbanging”. Applicant could have provided affidavits, court records, letters of support, letters of recommendation, and/or statements from past and/or present employers to corroborate her vague statement that her and Mr. Tapia are no longer affiliated with street gangs.

#### **Conclusions of Law**

Applicant [Name redacted] o failed to meet her burden of proof of showing by a preponderance of the evidence that her removal from the Eligibility List was in error, and failed to

show a preponderance of the evidence that said removal was not in compliance with a disqualification under the Bureau of Organization Development Special Order No. 18-01 on the following basis: Section IV ¶ F Disqualification based on Membership or Association with Criminal Organizations.

**Recommendation**

Based on my findings and conclusions set forth above, I recommend that the decision to remove Applicant [Name redacted] from the list of eligible applicants for the position of probationary police officer be **affirmed**.

Respectfully submitted,

/s/ Brian R. Porter

Brian R. Porter / Appeals Officer

Date: 02/07/2023

**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 6 in favor (Ghian Foreman, Paula Wolff, Steven A. Block, Mareilé B. Cusack, Nanette Doorley, 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 **affirmed**.

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, and Jorge Montes.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 16<sup>th</sup> DAY OF MARCH, 2023.

Attested by:

/s/ GHIAN FOREMAN  
President

/s/ MAX A. CAPRONI  
Executive Director