

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

**IN THE MATTER OF THE APPEAL BY** )  
[NAME REDACTED], ) **No. 22 AA 01**  
**APPLICANT FOR THE POSITION OF** )  
**PROBATIONARY POLICE OFFICER,** ) **(Applicant No. [redacted])**  
**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 March 6, 2022, the Office of Public Safety Administration (“OPSA”) 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 March 20, 2021, Applicant appealed the above-referenced disqualification decision to the Police Board by filing a written request specifying why the OPSA erred in the factual determinations underlying the disqualification decision.

The OPSA 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 OPSA did not file a response, and accordingly, there was no reply filed

by the Applicant.

### **OPSA'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 two reason(s) under the Bureau of Organization Development's ("BOOD") Special Order No. 17-01 Section 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 includes but is not limited to, conduct which would constitute murder; kidnapping; sex offenses; assault; battery; aggravated battery; offenses against property; robbery; 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 this 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, will be found unsuitable for employment.

#### **H. Disqualification Based on Other Conduct**

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 unsuitable for employment, but when taken as a whole, exhibit that the applicant is not suited for employment as a police officer, will be found unsuitable for employment.

On February 3, 2020, background investigator, Chicago Police Officer Scott Lee, Star #19670, prepared a Candidate Background Investigation Summary. Said report indicates that

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Applicant submitted her personal history questionnaire (“PHQ”) on October 27, 2017. Said report further disclosed four (4) occurrences of conduct indicating violent tendencies as follows.

On November 30, 2016, the Candidate was listed as a suspect to committing domestic battery and criminal damage to property. Specifically, a former boyfriend, [R.T.], asked the Applicant to move out, a heated argument ensued, and Applicant threw a laptop at Mr. [R.T.] striking his face, and broke one or more windows at the complainant [R.T.]’s residence. Applicant was cited with an Administrative Notice of Ordinance Violation (“ANOV”) for damage to property for breaking windows, and officers remained on the scene until Applicant moved out of the residence.

Applicant related to Investigator Lee that she had recently broken up with the father of her three-month old son, and [R.T.] became upset when she told him ([R.T.]) that she was moving out because he ([R.T.]) wanted more from their relationship than she did. Applicant denied throwing a laptop or breaking any windows, stating that said windows were already broken. During a follow-up interview conducted by Officer Lee three (3) years later on December 6, 2019, Mr. [R.T.] confirmed to Investigator Lee that he ([R.T.]) asked the Applicant to move out, and a heated argument ensued, however, he denied that Applicant threw anything at him. He did not deny that Applicant broke windows.

The second occurrence was reported on June 20, 2017, wherein the Candidate was listed as a suspect to committing domestic battery and criminal damage to property. Specifically, the Applicant’s child’s father, [A.H.], reported that when he arrived to pick their child up so she could go to work, an argument ensued over the child’s clothes, and Candidate cursed him and struck him ([A.H.]) in the face with a closed fist. According to [A.H.], Applicant then opened her car door to deliberately strike his car resulting in breaking his side mirror off from the vehicle.

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The Candidate denied striking Mr. [A.H.], but admitted knocking his side mirror of his vehicle, although she asserted the mirror was already broken. Candidate stated that at said time, she and Mr. [A.H.] were having difficulties in their co-parenting duties.

The third noted occurrence was reported on September 21, 2017, wherein the Candidate was listed as a suspect to committing assault. According to [A.H.], the Applicant approached him concerning some co-parenting issues they were having and told him, “I’m going to kick your ass.” [A.H.] stated he was afraid and called 911. The Candidate denied ever threatening Mr. [A.H.].

The fourth occurrence was reported on March 25, 2018, five (5) months subsequent to the Candidate’s October 27, 2017, PHQ submission. The Candidate was listed as a suspect to committing assault during the March 2018 occurrence by threatening to beat [A.H.] and [J.S.]. Both complainants stated the Candidate threw an unknown object at them as she drove off after threatening them, and Ms. [J.S.] further related that the Candidate appeared at her ([J.S.]’s) place of work. The Candidate denied ever threatening either [A.H.] or [J.S.], and stated it was merely an argument which ensued when she attempted to get some documents from Mr. [A.H.] in an effort to obtain a passport for their son. The Applicant did admit to throwing an open can of “Canada Dry Ginger Ale” at [A.H.] and [J.S.] when she (Applicant) drove off.

Investigator Lee’s report further noted that the Candidate driving record revealed the following convictions and/or suspensions:

- October 13, 2016, conviction for disregarding a Stop / Yield sign at an intersection;
- January 13, 2017, conviction for failing to pay fines and court costs for traffic offenses;
- February 17, 2017, conviction for failing to pay fines and court costs for traffic offenses;
- October 9, 2017, conviction for operating an uninsured motor vehicle;

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- November 22, 2017, conviction for speeding 15 – 25 miles per hour above limit; and
- January 19, 2018, license suspension for failing to comply with mandatory insurance.

Further, at the time Investigator Lee's February 3, 2020, report was completed, the Applicant had a total of thirty-one (31) outstanding traffic, parking, red light and/or automated speed enforcement tickets.

Finally, on January 1, 2019, the Candidate was reported in an offense involving the endangerment of the life and/or health of a child. Specifically, [A.H.] reported that the Candidate dropped their two-year old son off at a GNC retail store he ([A.H.]) worked at subsequent to [A.H.] leaving work for the day. The Candidate stated that she was running late for work, and [A.H.] had agreed that she could drop their child off at his place of employment. Applicant denied that [A.H.] had already gone for the day, and was instead in the back room. Both parties inferred that the child was physically tendered to [A.H.]'s co-worker, [J.T.]. Candidate confirmed that DCFS initiated an investigation, in May 2019, said agency granted an expunction of the record of an allegation of harm.

### **Applicant's Appeal**

Applicant submitted correspondence dated March 20, 2022. Said correspondence asserts that all of the incidents concerning [A.H.] were the result of two (2) young individuals struggling to adjust to co-parenting. She states that all of the incidents were merely arguments which were exaggerated, and that there was never any violence between them. Applicant further states that her and Mr. [A.H.] have now successfully co-parented for the last three (3) years without incident.

Applicant further stated that all of her driver's license issues have been resolved, and that all thirty-one (31) of her outstanding tickets have now been paid. Finally, she notes that she is

now a Cadet in the United States Army training to be a 2LT by Spring of 2023, and that she handles herself as responsibly and professionally as possible.

In support of her appeal, Candidate also submits two (2) letters of support. The first letter is dated March 21, 2022, from Lieutenant Colonel [M.P.] of the United States Army, and the second letter is dated April 6, 2022, from Legal Administrator [K.T.] of the United States Army. Both officials indicate that Applicant has performed exemplary since she has been in the Army, and both highly recommend her as a candidate for the position of probationary Police Officer with the Chicago Police Department.

### **Findings of Fact**

Applicant's aforementioned interactions and behavior with the father of her child and with a former boyfriend certainly call into question her judgment and her temper, but do not necessarily constitute conduct indicating violent tendencies. No arrests were made in any of the four (4) incidents asserting assault, battery, and criminal damage to property; no charges were filed; and no convictions were made. While it begs credulity to believe all of the incidents were fabricated by either [R.T.], [A.H.], and/or [J.S.], it does appear when the totality of the lack of severity of any violence is considered, that all of these matters, as well as, the instance wherein Applicant's child was dropped off at his father's place of employment, can be explained as emotional arguments resulting from personal relationships, rather than conduct indicating violent tendencies.

More troubling, however, is Applicant's pattern of lack of respect for authority of or law. Specifically, as recently as February 3, 2020, Applicant had thirty-one (31) outstanding traffic, parking, red light and/or automated speed enforcement tickets. Moreover, this total does not include tickets which Applicant may have received but made payment on, nor does it include

those tickets which Applicant may have received subsequent to February 3, 2020. Additionally, Applicant's driving record revealed the following convictions and/or suspensions:

- October 13, 2016, conviction for disregarding a Stop / Yield sign at an intersection;
- January 13, 2017, conviction for failing to pay fines and court costs for traffic offenses;
- February 17, 2017, conviction for failing to pay fines and court costs for traffic offenses;
- October 9, 2017, conviction for operating an uninsured motor vehicle;
- November 22, 2017, conviction for speeding 15 – 25 miles per hour above limit; and
- January 19, 2018, license suspension for failing to comply with mandatory insurance.

Each of the aforementioned violations by themselves would not lead to a finding that the Applicant was unsuitable for employment, but the cumulative and exorbitant aggregate total of this staggering number of parking and driving violations when taken as whole, are indicative of a lack of respect for authority or law.

### **Conclusions of Law**

I. Applicant met her burden of proof of showing by a preponderance of the evidence that her removal from the Eligibility List for Disqualification Based on BOOD Special Order No. 17-01 Section IV. B. 7. c) Conduct Indicating Violent Tendencies was in error.

II. Applicant failed to meet her burden of proof of showing by a preponderance of the evidence that her removal from the Eligibility List for Disqualification Based upon the Bureau of Organization Development Special Order No. 17-01 Section IV. H. Disqualification Based on Other Conduct was in error, and failed to show a preponderance of the evidence that said removal was not in compliance with the standards enumerated in the Bureau of Organization Development Special Order No. 17-01.

**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/ Brian R. Porter* \_\_\_\_\_

Brian R. Porter  
Appeals Officer

Date: July 18, 2022

**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 A. Block, Mareilé B. Cusack, Nanette Doorley, Michael Eaddy, Steve Flores, and Andrea L. Zopp) to 0 opposed.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the decision to remove [name redacted], Applicant No. [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, Michael Eaddy, Steve Flores, and Andrea L. Zopp.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21<sup>st</sup> DAY OF JULY, 2022.

Attested by:

/s/ GHIAN FOREMAN  
President

/s/ MAX A. CAPRONI  
Executive Director