

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 23 AA 09**  
**APPLICANT FOR THE POSITION OF** )  
**PROBATIONARY POLICE OFFICER,** ) **(Candidate 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 March 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 March 28, 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 April 23, 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

**A. 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.

**G. Disqualification Based on Indebtedness**

1. 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.

**A. 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.

**J. Disqualification Based on Polygraph Results**

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. Applicants may therefore be given a polygraph examination. The polygraph examination is used as a tool to elicit information and verify responses elicited during the application process and to verify information collected during the pre-employment investigation. The results of the polygraph examination will be used as part of the hiring process in determining an applicant's suitability for the position of Police Officer. Admissions made during a polygraph examination, or an indication of deception, along with other factors, may be used as a basis for disqualification.

Applicant was disqualified by Department based on Conduct Indicating Dishonesty, Indebtedness, False Statements or Omissions and/or Failure to Cooperate in the Application Process, and Polygraph Results. The conduct alleged includes declining to answer questions related to Serious Crimes, Drugs, Gangs and Theft, elusive and non-committal responses to questions regarding his life history, and vague and misleading answers to questions about his employment history. In addition, Applicant failed to disclose that he applied to other law enforcement agencies that disqualified him and failed to provide proof of income or payments.

### **Appeal and Response**

Applicant appeals the decision, stating that he worked hard throughout the process, and was always cooperative with the investigators. He states that he never intended to lie or hide anything, but there was a “misunderstanding” on the polygraph. Applicant states that there were some changes that took place between the application and polygraph, and that was the reason that his answers were different. Applicant also “disagrees” with the comments from the Polygraph Examiner (“PE”) that he refused to answer questions.

Applicant shares that he traveled five times from California to Chicago to complete the application process, and that he is a DACA recipient with a limited number of police departments to which he can apply. He states that he would like to be a police officer so that he can serve the people of Chicago.

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 (“Standards”) under which Applicant’s disqualification decision was based upon are clear (namely, Disqualification Based

on Other Criminal Conduct/Conduct Indicating Dishonesty, Disqualification Based on Indebtedness, Disqualification Based on False Statements or Omissions and/or Failure to Cooperate in the Application Process, and Disqualification Based on Polygraph Results). 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 Applicant signed the Declaration of Application form, which clearly states that omissions are a violation of City Ordinance and serve as grounds for disqualification in and of themselves. Department states that Applicant's responses and refusal to answer multiple questions concerning his past actions were extremely troubling and would also serve 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 Indicating Dishonesty, Indebtedness, False Statements or Omissions, Failure to Cooperate in the Application Process, and Polygraph Results were all 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**

The PE reported that Applicant declined to answer questions referring to Serious Crimes,

Drugs, Gangs and Theft. There were also discrepancies between Applicant's PHQ and the answers that were provided to the PE. Applicant stated on his PHQ that he had not applied to other police agencies but admitted to the PE that he had been disqualified by two other agencies. Applicant then signed the Declaration of Application form, which states that omissions would disqualify the application.

In addition, Department asserts that Applicant does not have a complete job history, nor did he provide updated information so that his prior employment history could be investigated. Instead, Applicant was "elusive and noncommittal" in his responses to questions about his life history and failed to provide complete dates and contacts to the Investigator.

Applicant denies the allegations, saying that he never intended to lie or hide anything, and that he "disagrees" with comments that he refused to answer questions. He states that if there was a misunderstanding, it was not with the intention to "misguide" his application.

### **Indebtedness**

Applicant states that he does not have a mortgage but pays \$460.00 per month in rent to Ricardo Aguilar (who Applicant initially said was a family member, but later said was not). Applicant was asked to provide a lease or proof of rent payments but was unable to do so. Applicant stated that his rent, car note, and credit card bills total about \$1,539.00 a month, but cannot provide proof of income and refused to provide an explanation about how he pays the debt. Furthermore, Applicant disclosed that his monthly income is \$100.00, but failed to answer questions about the difference between his income and expenses.

Applicant's Appeal does not address his indebtedness.

### **Disqualification Based on False Statements or Omissions and/or Failure to Cooperate in the Application Process**

Department asserts that Applicant declined to answer questions referring to Serious

Crimes, Drugs, Gangs and Theft. In addition, Applicant stated on his PHQ that he had not applied to other police agencies but admitted to the PE that he had been disqualified from two other agencies. Applicant also failed to provide updated information so his job history could be investigated and was “elusive and non-committal” in his responses to questions about his life history. All of these actions could constitute either a false statement or omission, and Applicant’s refusal to answer questions constituted a failure to cooperate in the application process.

### **Polygraph Results**

The PE reported that Applicant declined to answer questions referring to Serious Crimes, Drugs, Gangs and Theft. In addition, there were discrepancies between Applicant’s PHQ and the answers that were provided to the PE. Applicant stated on his PHQ that he had not applied to other police agencies, but admitted to the PE that he applied and was disqualified by two other agencies. Applicant was also elusive and non-committal in his responses to questions about his life history.

### **Declaration of Application Form**

Applicant signed the Declaration of Application form, which clearly states that omissions are a violation of City Ordinance and would disqualify the application. Applicant omitted his applications to other police agencies and refused to answer questions about his background, thereby omitting that information as well.

### **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 that are applicable to this Appeal.

Applicant was disqualified based upon Conduct Indicating Dishonesty, Indebtedness,

False Statements or Omissions and/or Failure to Cooperate in the Application Process, and Polygraph Results. He was also disqualified for signing the Declaration of Application form after omitting material information regarding his background and refusing to answer questions.

Although Applicant states that he disagrees with the decision to disqualify him, he provides no real explanation for his failure to answer questions or provide the necessary information to verify his life history, employment history, sources of income and indebtedness. Applicant states that there was a misunderstanding based on “changes,” but does not elaborate on what they were. Applicant also fails to explain why his PHQ states that he never applied to other police agencies, but he advised the PE that he applied and was disqualified by two other agencies. This omission, in and of itself, would be a violation of City Ordinance, and grounds for disqualification.

Based on the evidence presented, Applicant violated numerous Standards, any one of which could serve as grounds for disqualification. No additional facts, evidence or arguments were submitted in Applicant’s Appeal that support his contention that Department erred in disqualifying Applicant based upon his Conduct Indicating Dishonesty, Indebtedness, False Statements or Omissions, Failure to Cooperate in the Application Process, and Polygraph Results.

Even if any of what Applicant supplied in his Appeal could be construed as a denial, 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: July 12, 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 9 in favor (Ghian Foreman, Paula Wolff, Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, Michael Eaddy, Jorge Montes, 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: Ghian Foreman, Paula Wolff, Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, Michael Eaddy, Jorge Montes, and Andreas Safakas.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20<sup>th</sup> DAY OF JULY, 2023.

Attested by:

/s/ GHIAN FOREMAN  
President

/s/ MAX A. CAPRONI  
Executive Director