

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 23 AA 30**
APPLICANT FOR THE POSITION OF)
PROBATIONARY POLICE OFFICER,) **(Taleo 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 July 16, 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 September 3, 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 October 4, 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

C. Disqualification Based on Driving Record

An applicant 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.

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.

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

1. 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 her driving record, other conduct, false statements or omissions and/or failure to cooperate in the application process. Department alleges that Applicant had two hit and run accidents, and her driver's license was suspended by the Secretary of State ("SOS") six times for unpaid tickets. In addition, Applicant's FOID card was revoked due to a domestic battery arrest.

Appeal and Response

Applicant appeals the decision, stating that the allegations of domestic battery were false, and the case has been expunged. She provides a copy of the order and a copy of her FOID card in support.

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 was based upon are clear (namely, Disqualification based on Driving Record, Other Conduct, 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 (1st) 173084, ¶¶ 24, 31 and *Johnson v. O'Connor*, 2018 IL App (1st) 171930, ¶¶ 16-17, 20.

Department also notes that had Applicant been in their employ, she would have been in

violation of at least two rule violations, “each of which would serve by themselves as grounds for disqualification.”

Findings of Fact

Filings were timely.

Department provided the factual basis for its decision to disqualify Applicant and remove her name from the eligibility list. Department determined that Applicant’s driving record, false statements or omissions and/or failure to cooperate in 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.

Driving Record

Department alleges that between August, 2016 and December, 2021, Applicant’s driver’s license was suspended at least six times by the SOS for failing to pay her City of Chicago tickets. The length of the suspensions ranged from two weeks to four years (including a suspension from June, 2017 through December, 2021).

In addition, Applicant was involved in two hit and run accidents. The first accident occurred in March, 2016 when Applicant crashed into several parked cars. Applicant did not have insurance on her vehicle, and her license was suspended as a result. She was also required to obtain Financial Responsibility Insurance.

In December, 2021, Applicant had a second hit and run accident in which she “hit property” and damaged another vehicle. Applicant left the scene, but later turned herself in to the CPD. Applicant was issued citations for leaving the scene of a property damage crash,

driving without insurance, and driving with an expired license.

Applicant admitted that her license was suspended on numerous occasions. She advised the R/I that she was not working at the time, and her husband had reduced work hours. As a result, she was unable to pay her tickets and could not afford car insurance. She stated that her license continued to be suspended because she was unsure how to comply with the SOS's requirements so that she could keep a valid license.

Applicant provided additional details to the R/I regarding her two accidents, stressing that she did not leave the scene in the 2016 accident as reported in her driving abstract. Applicant stated that after she crashed into the vehicles, she called 911 and was ticketed on the scene. She claims that she submitted her crash report to the SOS, and later received notice that her license was being suspended because there was no insurance on her vehicle.

Applicant asserts that she left the scene of the 2021 accident and "walked to her mother's house" around the corner to get help. She states that when she returned to the scene, the vehicle was towed away, and no officers were around. She explained that Christmas was the next day, and she was afraid of being arrested due to her expired license. As a result, she waited until a later date to turn herself in.

Other Conduct

Department alleges that Applicant's suspended license and hit and run accidents also violate its "other conduct" standard, as Applicant's conduct exhibits a lack of respect for authority or law, a lack of respect for the dignity and rights of others, and/or a combination of traits that make her unsuitable for employment as a police officer.

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

Department states that Applicant's FOID card is revoked due to a domestic battery arrest.

Applicant states that the domestic battery case has been expunged, and her FOID card has been reinstated.

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.

Disqualification Based on Driving Record

Section C (1) of the Standards states: “An applicant with ...any driving-related incidents which resulted in the suspension or revocation of a driver’s license, may be found unsuitable for employment.”

Applicant’s driving abstract contains not one, but *two* hit and run accidents. In both accidents, Applicant admitted to striking parked cars, and in at least one of the accidents, she left the scene. Even more troubling, Applicant did not have insurance on her vehicle, and failed to turn herself into the police for the second accident until a “later” date. As a result, her license was suspended, and she was required to obtain Financial Responsibility Insurance.

In addition, it is unclear whether all six of Applicant’s driver’s license suspensions for failing to pay tickets were for *parking* tickets, or whether there were also moving violations included (Applicant does not address the tickets or the accidents in her Appeal). Regardless, Applicant’s hit and run accidents alone could be considered grounds for disqualification based on Section C(1) of Department’s Standards.

Disqualification Based on Other Conduct

Section H of the Standards states: “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.”

Applicant’s six suspensions and two hit and run accidents could be deemed conduct exhibiting a lack of respect for authority or law, a lack of respect for the dignity and rights of others, and/or a combination of traits that make her unsuitable for employment as a police officer under Section H of the Standards. Even after having her license suspended for failure to pay tickets, Applicant continued to drive without car insurance for several years and had **two** hit and run accidents where she crashed into **several** parked cars, causing damage for which she could not pay.

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

In support of Applicant’s disqualification, Department also cites Section I(1) of the Standards, 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: 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

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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.”

Department asserts that Applicant’s FOID card was revoked due to a domestic battery arrest, in violation of Section I(1). In her Appeal, Applicant states that her domestic battery arrest was expunged, and her FOID card was reinstated. She provides documentation showing that the arrest was expunged in April, 2023. However, Applicant’s PHQ was submitted in March, 2022, and at that time, her record had not been expunged, and, presumably, her FOID card had not yet been reinstated.

Applicant’s Appeal does not provide an explanation for her car accidents or driver’s license suspensions- it consists only of an email containing her expungement order and FOID card. The only explanations for her conduct were admissions made to the R/I.

No additional facts, evidence or arguments were submitted in Applicant’s Appeal that support her contention that Department erred in disqualifying Applicant based on her Driving History, Other Conduct, False Statements or Omissions and/or Failure to Cooperate in 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 her 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

Mamie Alexander
Appeals Officer

Date: December 14, 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 (Kyle Cooper, Paula Wolff, Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, Michael Eaddy, Ghian Foreman, 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, Michael Eaddy, Ghian Foreman, and Andreas Safakas.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21st DAY OF DECEMBER, 2023.

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director