

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 23 AA 44**  
**APPLICANT FOR THE POSITION OF** )  
**POLICE OFFICER,** ) **(Applicant No. [redacted])**  
**CITY OF CHICAGO.** )

**FINDINGS AND DECISION FOLLOWING RECONSIDERATION**

[Name redacted] (hereinafter referred to as “Applicant”) applied for a police officer position with the City of Chicago. In a letter dated December 13, 2023, 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 December 14, 2023, Applicant appealed this disqualification decision to the Police Board by filing a written request specifying why the OPSA 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 January 17, 2024, OPSA filed with the Police Board a copy of the Notice and its response to Applicant’s Appeal (“Response”). On January 18, 2024, Applicant sent an email to the Office of the Police Board replying to the Response (“First Reply”). Police Board Appeals Officer Mamie Alexander reviewed the Notice, Appeal, Response, and First Reply.

On February 12, 2024, within thirty (30) days of the filing of OPSA’s Response, Applicant filed a second reply to the Response (“Second Reply”). The Second Reply was not forwarded to nor reviewed by the Appeals Officer prior to her submitting her February 15, 2024,

findings of fact, conclusions of law, and recommendation to the Police Board. Because the Second Reply was timely filed, the Appeals Officer and the Police Board are reconsidering this matter, taking into consideration the Second Reply, which the Appeals Officer has now reviewed.

### **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. The Response, First Reply, and Second Reply were 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

##### 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 will be grounds for disqualification. 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 PHQ submission), or more than one (1) time in his or her life, will be found unsuitable for employment.

**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. Therefore, an applicant who has a single incident involving reckless driving or driving under the influence of alcohol or other mood altering substances within the last five (5) years (from the date of PHO submission); 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 on two or more occasions, will be found unsuitable for employment.

**Licensure, Certification or Other Qualifications**

Must have a Firearm Owner's Identification (FOID) card issued by the State of Illinois at the time of hire.

Applicant was disqualified by Department based on his arrest for Aggravated Assault of a Peace Officer in 2022, along with a Clear and Present Danger packet submitted to the Illinois State Police (“ISP”) that resulted in the revocation of his FOID card. In addition, Applicant has three suspensions on his driving record.

**Appeal, Response and Replies**

Applicant appeals the decision, stating that the incidents described in the Notice are incorrect, and that all of the disqualification reasons listed were based on a “single incident.” Applicant claims that the criminal case against him was ultimately dismissed, and he was not

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convicted of a crime. Applicant says that his supervision was terminated, and provides documentation in support.

Applicant's Appeal provides a detailed explanation about how and why Applicant was arrested and alleges that the Clear and Present Danger packet was the result of a set-up by his family. Applicant shares that he has an Indiana gun license, and his FOID card was ultimately reinstated by the ISP.

OPSA's Response states that the appeal was reviewed, and OPSA relies upon the facts and evidence relating to the disqualification contained in Applicant's file. OPSA maintains that the pre-employment disqualification standards under which Applicant's disqualification decision was based upon are clear (namely, Disqualification based on Criminal Conduct-Conduct Indicating Violent Tendencies, Driving Record, and Licensure, Certification or Other Qualifications). OPSA states that the evidence in Applicant's file supports its decision to disqualify Applicant from hiring, and OPSA 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.

OPSA states that Applicant does not meet the minimum eligibility requirements, and this alone is grounds for disqualification. OPSA also notes that had Applicant been in their employ, he would have been in violation of multiple rule violations, "each of which would serve by themselves as grounds for disqualification." OPSA adds that Applicant's history is extremely troubling and serves as grounds for disqualification.

In his First Reply, Applicant states that OPSA did not read his Appeal, and that the Response was filled with inaccuracies that Applicant already rebutted. Applicant states that he provided documentation to show that the charges against him were dropped, and that his FOID

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card was reinstated. Applicant argues that in order for candidates to be treated fairly, their documents should be “read and reviewed” by OPSA. He states that the reason that he wants to be a police officer is to deal with criminals of the worst kind (including his family), and that it is the duty of the police to side with justice, and not “criminals and their plots.”

In his Second Reply, Applicant reiterates that his supervision for the aggravated assault case ended on December 4, 2023. Therefore, contrary to OPSA’s assertions, he was **not** on supervision at the time of the report, and the case was dismissed. Applicant provided a copy of the certified disposition (which was also included in his First Reply) confirming that the supervision was terminated.

Applicant asserts that regardless of the final disposition, he was only charged with aggravated assault because he was trying to stop the criminals within his family and extended family who set him up. He believes that the Board should want to hire individuals who stand up for justice.

Applicant states that OPSA’s allegation that he is ineligible to receive a FOID card is also false. He claims that his FOID card was only revoked due to the false charges against him that were later “dropped.” Applicant states that he filed a “legal appeal” with the ISP, which was granted. He asserts that his FOID card is in the process of being reinstated, but the reinstatement had not been finalized during the time of the investigation. Applicant provides documentation from his ISP Appeal, including a copy of his Mental Health Assessment Form stating that Applicant does not pose a clear and imminent risk of harm or serious physical injury to himself or another person. He also includes an email from ISP stating that Applicant can re-apply for his FOID card. Applicant reiterates that he has an Indiana gun license, and that a FOID card is not required until he starts at the Chicago Police Academy. Applicant argues that although OPSA’s

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Response cites *Apostolov vs. Johnson*, that case only applies to citizens wanting a firearm, not police officers. He includes a copy of 430 ILCS 65/2(c) in support.

Applicant also reiterates the arguments from his First Reply regarding his driver's license, stating that his driver's license was not suspended three times. Applicant states that one of the suspensions was due to a parking ticket being sent to the wrong address, and only lasted 15 days. He states that CPD driving disqualifications only pertain to "driving-related" instances, which this was not. Applicant provides screenshots of a 2021 article stating that Illinois driver's licenses will no longer be suspended for unpaid traffic tickets.

Applicant states that his second suspension for OWI in Iowa was also not driving related, as it was due to his refusal to take a breathalyzer. He states that he passed the field sobriety tests, and the charge was "dropped." Applicant provides a screenshot which appears to show that his suspension was effective March 22, 2016 and terminated on March 22, 2017. The suspension was categorized as an "Out of State Refusal Suspension."

Applicant admits that he had one "true driving suspension," which occurred in January, 2015 for receiving two speeding tickets within a 24-month period. He states that CPD allows for two driving suspensions "on record," and since one of his suspensions was dropped and he has had a clean driving record for the past nine years, he hopes that the Board can see his improvement.

Applicant states that the CPD is in dire need of officers, and he would make a good candidate, as he can handle the "rigors of the job." Applicant states that he passed the POWER test with flying colors, comes from a diverse background, speaks many languages, works as a personal trainer, and competes in MMA, all of which can assist him with detaining criminals in "non-lethal manners." He states that he was an honor student in high school and was accepted

into DePaul University on a scholarship. Applicant states that other than the case where he was set up, he has a clean record. Applicant shares that joining the CPD is very important to him, as he wants to serve and protect his community with all of his heart.

### **Findings of Fact**

Filings were timely.

OPSA provided the factual basis for its decision to disqualify Applicant and remove his name from the eligibility list. OPSA determined that Applicant's conduct indicating violent tendencies, driving record, and failure to obtain proper licensure, certification or other qualifications were grounds for disqualification.

OPSA 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 Violent Tendencies**

Applicant was arrested by the Orland Park Police Department ("OPPD") after accelerating his vehicle toward an officer who was trying to apprehend him following a domestic disturbance at his home on September 10, 2022. Applicant fled the scene, but went to the station the next day. Applicant was charged with Aggravated Assault of a Peace Officer While Operating a Motor Vehicle. He pled guilty and was sentenced to 18 months of supervision.

In addition, a Clear and Present Danger packet was submitted to the ISP after Applicant sent text messages to a family member threatening to kill him. Several firearms were removed from his home, and Applicant's FOID card was revoked as a result.

Applicant states that both his arrest and the Clear and Present Danger packet were the result of his family's attempts to cover up a crime. Applicant shares that shortly before his arrest,

he became aware that his three cousins overseas were sex-trafficked from ages 5-16 by their parents. He states that one of the girls told him in secret, and when he began to confront his family members, they turned against him. He states that his mother and her siblings were bribed and conspired together to protect the family's reputation. Applicant states that tensions were high due to him "leaking the story," and his uncle-in law threatened to kill him. Applicant states that he responded to his uncle-in-law that he would kill him if he tried to harm Applicant.

Applicant states that while he was not home, his mother contacted the police and showed them Applicant's threats to kill his uncle-in-law. Applicant states that when he returned home, the police arrived in his driveway, and he "continued driving," as he had done nothing wrong.

Applicant states that the next day, he received a call to come to the police department under the guise of a wellness check, but was told that he was being arrested for assault because he almost hit the officer's vehicle while leaving his driveway. Applicant was also advised that a Clear and Present Danger packet was submitted, his firearms and ammunition had been confiscated, and a request was being submitted to revoke his FOID card.

Applicant states that the sex-trafficking situation in his family is the reason that he wants to become a police officer. He declares that he has a desire to stop all crimes and bring justice to criminals. Applicant states that he runs several businesses and is highly skilled in wrestling and Jui-Jitsu.

### **Driving Record**

Applicant's driving record revealed that his license has been suspended three times- once for two or more moving violations within twelve months, once for driving under the influence, and a third time for unpaid parking tickets.

Applicant states that his first suspension was eight years ago, and suspensions are

removed from a driving record after seven years. He states that his second suspension was due to an OWI in Iowa, and that charge was later “dropped and removed” from his record. Applicant’s third suspension was for unpaid parking tickets, and he promptly paid them to reinstate his license.

**Licensure, Certification or other Qualifications.**

OPSA alleges that Applicant does not have the requisite FOID card, as his FOID card was revoked after the Clear and Present Danger packet was submitted to the ISP by the Orland Park Police on September 10, 2022.

Applicant claims that his FOID card has been reinstated, and that he also has a valid Indiana gun license. Applicant provides screenshots regarding his FOID Appeal and insists that his FOID card was reinstated after his case was “dropped.”

**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 Violent Tendencies**

Section B(7)(c) of the Standards states: “any conduct demonstrating a propensity for violence will be grounds for disqualification. Conduct demonstrating a propensity for violence includes but is not limited to, conduct which would constitute... assault; battery; aggravated battery; offenses against property; robbery; domestic violence; disorderly conduct; and mob action.” Although Applicant argues that the case was “dropped,” Applicant was charged and pled **guilty** to Aggravated Assault to a Peace Officer while Operating a Motor Vehicle.

Section B(7)(c) further states: “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 PHQ submission), or more than one (1) time in his or her life, will be found unsuitable for employment.”

According to the certified disposition provided by Applicant in his Appeal, Applicant was arrested on September 11, 2022, which is within three years, and was still on supervision at the time that his background investigation was being conducted. Although Applicant states that OPISA’s allegation that Applicant was still serving his supervision at the time of the “**report**” was false, the certified disposition submitted by Applicant shows that his supervision was terminated on December 4, 2023. Applicant’s CPD background investigation was concluded on November 18, 2023-prior to his supervision termination date of December 4, 2023. Regardless of the supervision termination date, Applicant pled guilty to aggravated assault of a peace officer, and his conduct could be found to demonstrate a propensity for violence under section B(7)(c).

#### **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 several moving violations, as well as an OWI and unpaid parking tickets.

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 **three** driver’s license suspensions on his record. While Applicant argues that one of the suspensions was for parking tickets and another was for an OWI charge that was later dismissed, Applicant does not deny that at least one of the suspensions was driving-related. In

addition, the documentation provided from Applicant's OWI case appears to show that in addition to receiving supervision, Applicant's license was suspended as a result of that case. Applicant's assertion that he completed supervision and the case was "dropped" does not negate the suspension on his driving record. Therefore, Applicant's driving record could be considered grounds for disqualification based on Section C(1) of Department's Standards.

### **Licensure, Certification or Other Qualifications**

Applicants must have a FOID card issued by the State of Illinois at the time of hire. Throughout the application process, Applicant's FOID card was revoked as the result of a Clear and Present Danger packet. Although Applicant presents documentation showing that his FOID Appeal and requisite forms have been submitted to the ISP, the documents provided do not confirm that Applicant's FOID card has been reinstated.

Regardless of the status of Applicant's FOID card, no additional facts, evidence or arguments were submitted in Applicant's Appeal that support his contention that OPSA erred in disqualifying Applicant based on his conduct indicating violent tendencies, driving record, and licensure, certification or other qualifications.

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: March 18, 2024

### **POLICE BOARD FINDINGS AND DECISION**

The members of the Police Board of the City of Chicago have reviewed the Appeals Officer's findings, conclusions, and recommendation set forth above.

Following reconsideration of this matter, the Board remains convinced that the Applicant has failed to show, by a preponderance of the evidence, that the decision to remove him from the Eligibility List was erroneous. Applicant was charged with and pled guilty to Aggravated Assault to a Peace Officer while Operating a Motor Vehicle, had his driver's license suspended for a driving-related incident, and had his FOID card revoked (there is no evidence it has been reinstated). The Board finds that it was not erroneous to disqualify Applicant based on his conduct indicating violent tendencies, driving record, and lack of a FOID card.

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 18<sup>th</sup> DAY OF APRIL, 2024.

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Attested by:

/s/ KYLE COOPER  
President

/s/ MAX A. CAPRONI  
Executive Director