

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 24 AA 05**  
**APPLICANT FOR THE POSITION OF** )  
**PROBATIONARY POLICE OFFICER,** ) **(Applicant No. [redacted])**  
**CITY OF CHICAGO.** )

**FINDINGS AND DECISION**

[Name redacted] (hereinafter “Applicant”) applied for a probationary police officer position with the City of Chicago. In a letter dated December 27, 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 and the process for appeal. In support of its decision, Department attached the Candidate Background Investigation Summary (“Background Investigation Report”) in which Department cited conduct it alleged formed the bases of Disqualification(s) Based on Criminal Conduct; Prior Employment History; Membership or Association with Criminal Organizations; Other Conduct; and False Statements or Omissions and/or Failure to Cooperate in the Application Process. (Collectively, “Notice”)

In an email dated January 17, 2024, sent with attachments, Applicant appealed the disqualification decision to the Police Board by filing a written request seeking to 1) specify why the Department of Police (hereinafter referred to as “Department”) erred in the factual determinations underlying the disqualification decision *and/or* 2) bring to the Human Resources Board’s (“Board”) 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”). Department filed a Response February 28, 2024. No Reply was filed.

Police Board Appeals Officer Laura Parry reviewed the Notice, Appeal, and Response.

### **APPEALS OFFICER'S FINDINGS, CONCLUSIONS, AND RECOMMENDATION**

Appeals Officer Laura Parry, 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 PARTIES**

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

#### **Basis #1**

IV-B. Disqualification Based on Criminal Conduct, as cited by Department:

7. Other Criminal Conduct

a. Conduct Involving Drugs

2. An applicant who misrepresents his or her history of drug use during any stage of the employment process may be found unsuitable for employment.

(Background Investigation Report, p. 1)

Department cited the following conduct, in summary:

Cocaine usage - one time in August 2017. Polygraph examiner in 2019 quoted Applicant as saying she "took a ride with a friend and she had it and I tried it for the first time and that was the first and last time I ever used cocaine." It was reported that Applicant denied every using cocaine by checking "No" on the pre-polygraph exam form and during the 2023 polygraph exam.

Use of prescription drug not prescribed to Applicant - two times (2016 and 2019). In the 2019 polygraph exam Applicant reported using Oxycontin/Oxycodone in 2016 and 2019. It was not prescribed to her. Applicant denied ever having used prescription drugs not prescribed to her by checking "No," on her Personal History Questionnaire ("PHQ") submitted in 2023 and during the 2023 polygraph. Investigator reported that when asked about it, Applicant stated she did not think her prior background investigation would be used.

(Background Investigation Report, p. 1-2)

**Basis #2**

IV-B. Disqualification Based on Criminal Conduct, as cited by Department:

7. Other Criminal Conduct

a. Conduct Involving Drugs

3. An applicant who has sold, distributed, possessed or manufactured any illegal drug, other than marijuana, at any time will be found unsuitable for employment.

(Background Investigation Report, p. 2)

Department cited the following conduct, in summary:

Investigator reported that during her 2019 polygraph Applicant stated that in her "early 30s" "in 2018" she "sold my hydrocodone to somebody else," "two times," "a few capsules" ("a few" meaning 10 capsules) for \$30 and sold it to the same person both times. On the 2019 post exam form, Applicant wrote:

"I believe the reason I was concerned about the serious crime questions was because I had disclosed to the polygraph examiner that I had sold illegal drugs (Hydrocodone) to someone. I did not disclose this information on my 95 questionnaire or to the investigator who conducted my home interview. However, when the home interview and the polygraph exam was conducted, I was confused because I received Oxycodone (that was not prescribed to me) and sold some of the Hydrocodone (that was prescribed to me). Furthermore, since both prescriptions sound similiar [sic] and work almost the same, I was slightly confused until the polygraph examiner went over the questions with me."

Applicant denied ever having sold any illegal drugs by checking "No," at Q84 on her 2023 PHQ and during the polygraph exam.

(Background Investigation Report, p. 2)

**Basis #3**

IV-B. Disqualification Based on Criminal Conduct, as cited by Department:

7. Other Criminal Conduct

a. Conduct Involving Drugs

6. An applicant who has used any illegal drug, other than marijuana, within the last five (5) years (from the date of PHQ submission), or has engaged in more than minimal experimentation at any point in his or her life may be found unsuitable for employment. When determining that drug use constituted more than minimal

experimentation, all relevant factors, such as frequency of use, length of time since the last use, and the age of the applicant when he or she last used any illegal drug, will be evaluated. Exceptions to this standard may be made on an individual basis for the un-prescribed use of prescription drugs, provided that such use was only medicinal, isolated, and infrequent.

(Background Investigation Report, p. 2)

Department cited the following conduct, in summary:

Per the pre-polygraph form filled out July 9, 2019 by Applicant, Applicant last used OxyContin/Oxycodone in February 2019 with first usage in 2016. It was her aunt's prescription.

(Background Investigation Report, p. 3)

**Basis #4**

IV-D. Disqualification Based on Prior Employment History, as cited by Department:

1. A poor employment history will result in disqualification for the position of Police Officer. An applicant who has been discharged or disciplined for offenses which include any act of dishonesty, incompetence, insubordination, absenteeism, tardiness, or failure to follow regulations will be found unsuitable for employment.

2. A poor employment history may result in disqualification for the position of Police Officer. An applicant who has been discharged or disciplined for offenses which include any act of dishonesty, incompetence, insubordination, excessive absenteeism or tardiness, or failure to follow regulations may be found unsuitable for employment.

3. Further, an applicant who, during previous employment, has engaged in any conduct that would have violated the Chicago Police Department's Rules and Regulations had the applicant been Chicago Police Department employee, may be found unsuitable for employment. In addition, an applicant with a history or sporadic employment, evidenced by frequent changes in employment of short duration, may be found unsuitable for employment.

(Background Investigation Report, p. 3)

Department cited the following conduct, in summary:

Applicant's 2018 PHQ showed she was terminated by four different employers.

The first was from a car dealership in October 2010. Applicant wrote: "Under new management."

The second was from a loan store in October 2011. In her 2019 polygraph exam Applicant

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1 The text cited by Department in paragraph 1. is not found in the hiring standards (OPSA Special Order No. 21-01) and is not considered in the Appeals Officer's Recommendation.

disclosed she processed four bad loans, and that one of the times she showed the loan applicant's fake paystubs to the manager, recommending the loan be denied, but the manager approved the loan anyway. Applicant also listed this termination at Q33 ("Have you ever been investigated by your employer for improper conduct or illegal activities?"). She explained on the 2018 PHQ that she was terminated "due to issuing personal loans that returned NSF's." She explained that as a loan processor she followed protocol and only a manager on duty, supervisor or the general manager could approve or disapprove a personal loan. She said that she brought this to the general manager's attention and that he himself had approved several of those loans. Applicant explained that business became slow and was under new management. Applicant reported that when the general manager "threatened me to call the police," she told him to do so to resolve the matter, but he did not and terminated her. Months later while Applicant was at a new employer (an insurance company) the police contacted her to interview her about "bad loans" being issued at her prior employer. She declined to go to the police station and suggested a public place, which the detective declined and then became "pushy and aggressive," calling every day for a week and "threaten"ed her with an arrest warrant, which she told him she was fine with. Applicant said the detective continued to phone her, so she changed her phone number, and while she did not remember his name, "if I were to see the detective's face again I would recognize him."

The third termination came in April 2013 from an auto insurance company for which Applicant stated she was not given a specific reason and that when she asked, "they could not give me a reasonable explanation."

The fourth was from another car dealership in April 2017, in which Applicant was told by the manager that it was not going to work out.

(Background Investigation Report, p. 3-4)

**Basis #5**

IV-F. Disqualification Based on Membership or Association with Criminal Organizations, as cited by Department:

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 PHQ submissions) or more prior to the date of application, and that the applicant has no current membership affiliation with any criminal organization at the time of processing or hire.

(Background Investigation Report, p. 4-5)

Department cited the following conduct, in summary:

Applicant visited a convicted felon and registered gun offender, who she referred to as a friend, 64 times at the Cook County Correctional Center, the first visit in February 2018 and the last on June 4, 2019. The individual is a documented member of the Insane Dragon - Fairfield & August faction and had been arrested 39 times for felonies and misdemeanors. While on parole he was convicted 10 times for Street Gang Contact; Drinking Alcohol on the Public Way; Driving with a Revoked License; three times for Calculated Criminal Crug Conspiracy; Soliciting Unlawful Business; Aggravated Driving Under the Influence; Aggravated Assault to a Peace Officer; Possession of a Controlled Substance; and Contributing to the Delinquency of a Minor. Post-2019 the individual was found guilty of felony Aggravated Unlawful Use of a Weapon/Vehicle/Previous Conviction on August 21, 2020. He was last arrested November 19, 2022, for Aggravated Battery to a Peace Officer.

Applicant also visited another incarcerated friend on July 15 and 18, 2018. This friend is a documented Two-Sixer gang member. He was arrested 12 times for felonies and misdemeanors, including Robbery, Aggravated Battery of a Peace Officer and Minor Drinking-Intoxication. He

was convicted of misdemeanor Reckless Conduct three times.

(Background Investigation Report, p. 5)

**Basis #6**

IV-H. Disqualification Based on Other Conduct, as cited by Department:

1. Police officers are required to show respect for authority, uphold the law, and defend the dignity and rights of the public. Therefore, 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 employments, 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.

(Background Investigation Report, p. 5)

Department cited a combination of the following conduct, in summary:

Applicant was arrested May 12, 2012 on charges including DUI Alcohol and Drugs, Not Wearing Seat Belt, Transport/Carry Alcohol / Driver, and Negligent Driving. The DUI Alcohol charge was reduced and she was convicted and sentenced to six months supervision in September 2015. Investigator summarized the police report from the incident: Applicant was observed by the officers not moving with the traffic flow in a turn lane, and when approached found Applicant sleeping behind the wheel with the vehicle in "drive," not wearing a seatbelt, open alcohol in the form of rum and vodka, and a strong odor of cannabis which the officers said Applicant told them, "I smoked it," noting Blood Alcohol Content was .078, and Applicant refused other testing.

Department also cited the conduct of Applicant not cooperating with a police investigation into possible financial crimes as to the loan store incidents described in Basis #4, above.

Applicant was also terminated from employment by four different employers.

Applicant affiliated with gang members as described in Basis #5, above.

(Background Investigation Report, p. 5-7)

**Basis #7**

IV-B. Disqualification Based on False Statements or Omissions and/or Failure to Cooperate in the Application Process, as cited by Department:

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 expected 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 [could]<sup>2</sup> 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." (Background Investigation Report, p. 7-8)

Department cited the following conduct, in summary:

When asked whether Applicant had "ever been placed on probation, suspended, or expelled from any high school, college or university for any academic or disciplinary reason," Applicant marked "No," at Q19 on her 2023 PHQ, but for the same question on her 2018 PHQ, Applicant wrote, "Yes, I have been suspended from high school in the past. The reason as to why I was suspended was for my attendance (skipping school) and fighting."

When asked on her 2023 PHQ at Q31, "Have you ever been terminated (fired) or asked to resign from any job or position?," Applicant marked, "No," but for the same question on her 2018 PHQ, Applicant wrote, "Yes, I have been terminated from several jobs. Some were due to being under new management. In addition to that, some employers were unable to give me a reasonable

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<sup>2</sup> Department incorrectly wrote "shall" in the Notice; "could" is what is written in the hiring standards (OPSA Special Order No. 21-01)



explanation as to why I was being terminated."

When asked whether Applicant had ever been questioned by the police regarding a criminal investigation, Applicant marked, "No," at Q33 on her 2023 PHQ, but for the same question on her 2018 PHQ, Applicant marked, "Yes," writing, "I was investigated for an illegal activity."

When asked whether Applicant had ever been questioned by police regarding a criminal investigation, Applicant marked, "No," at Q65 on her 2023 PHQ, but for the same question on her 2018 PHQ, Applicant marked, "Yes," writing I was then being contacted from the Evanston Police Department. The detective who contacted me explained the reasoning on calling me in which resulted in the loans at PLS that were known as bad loans being issued. I was being cooperative with him. He asked me to come in to [sic] the Evanston Police Department to sit down and speak with him about the situation but I declined."

When asked, "Have you ever been refused automobile insurance?," Applicant marked "No" at Q58 on her 2023 PHQ, but for the same question on her 2018 PHQ, Applicant marked, "Yes," and wrote, "I've had three car accidents within the past three years. However, I was denied insurance from several companies."

(Background Investigation Report, p. 8)

Applicant submitted her PHQ on April 4, 2023 (Background Investigation Report, p. 1). She had applied previously to the Department, submitting a PHQ in May 2018 (Background Investigation Report, p. 8).

### **Appeal and Response**

The following is a summary.

### **Appeal**

Applicant wrote she takes full responsibility for her actions, and that any misinformation

she provided was due to a misunderstanding. Applicant wrote that for people like her while past decisions are important, they don't have to dictate who you become, and that she has "grown and learned the respect one must carry for authority and to uphold the law in every aspect. Applicant asserted that the previous Background Investigator (2018 application) told her she needed to wait five years to reapply to [en]sure previous files and past actions were not taken into account for the 2023 application and that the current Investigator guided her and confirmed that information, and that the Investigator misinformed her. She thought she was starting the 2023 application "with a clean slate." She has since learned that "every file" is taken into account, and that had she known that she would have provided more information and context, and that she is "no longer the same person that has made these previous decisions that cast a negative light on my morals." She wrote that Investigator "stated this notice I received was just a denial for this application, not actually a notice of eligibility removal and I will be able to apply again." Applicant wrote further that after the first denial in 2018 she understood everything she needed to work on, has worked a lot on herself and has made a complete lifestyle change. Applicant noted she works with pharmaceuticals at a retail pharmacy and passes random drug tests, that she has clear communications with managers to avoid any misunderstandings, no longer associates with those who do not uphold the law, and that her life for years has consisted of work, school and immediate family.

Applicant attached what appeared to be printout or screenshot of an email she wrote to the Investigator asking why she was removed from the eligibility list, referencing a discussion they had in October 2023 and another from the Investigator to Applicant indicating that the letter she received "was specifically for Exam 03-2023 only, not from re-applying ever again."

Applicant attached a letter of support from the retail pharmacy manager who explained Applicant's duties, and offered that Applicant is a well-trusted employee who is honest, ethical,

accountable, a superb problem solver with great leadership skills, knowledgeable, and keeps composure under stressful situations.

(Appeal)

**Response.** In summary, Department iterated it stands on the reasons and bases set forth in the disqualification letter, and cited caselaw supporting its rights to disqualify. Department added:

"... [A]pplicant's past actions revealed that had she been in our employ [s]he would have been in violation of multiple Rule violations, each of which would serve by themselves as grounds for disqualification. Most troubling is both the applicant's dishonesty regarding multiple questionable situations, and her history of fraternization with convicted felons, which incidentally is a violation of CPD Rules #14 and #47 respectively. The candidate's response to her dishonesty is that she thought her prior background investigation would not have been utilized is inherently troubling. The applicant's history has demonstrated that she would not [] be able to fulfill the Chicago Police Department's mission to "strive to attain the highest degree of ethical behavior and professional conduct at all times."

(Response)

### **FINDINGS OF FACT**

All filings were timely.

Department provided its factual basis for the decision to disqualify Applicant and remove Applicant's name from the eligibility list for which Applicant was given the opportunity to file a written appeal specifying why the Department erred in the factual determinations underlying the Department's decision *and/or* provide additional facts directly related to the bases for disqualification.

Applicant submitted her PHQ April 4, 2023.

Applicant did not deny or rebut any of the conduct and therefore the conduct stands as cited by Department.

Applicant did not explain how Department erred in either its factual determinations, nor did she add additional facts directly related to the conduct described.

By a preponderance of the evidence, **Applicant DID NOT** provide sufficient additional facts directly related to and/or did not adequately specify why the Department erred in its factual determinations as to the bases presented. Conduct satisfying any ONE basis is enough to justify disqualification.

### **CONCLUSIONS OF LAW**

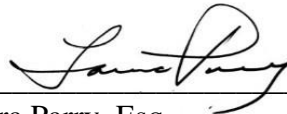
Pursuant to the Municipal Code of Chicago (“MCC”) 2-84-030 the standard of review for appeals of disqualification and removal of an applicant’s name from the Eligibility List is that Applicant shall show by a preponderance of evidence that Department’s decision to remove the applicant from the Eligibility List was erroneous (MCC 2-84-035(c)).

Applicant **DID NOT** show by a preponderance of the evidence that Department erred in its decision to the remove Applicant's name from the Eligibility List for the reasons stated herein.

### **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,



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Laura Parry, Esq.  
Appeals Officer

Date: May 7th, 2024

**POLICE BOARD DECISION**

The members of the Police Board of the City of Chicago have reviewed the Appeals Officer’s findings, conclusions, and recommendation.

The Police Board hereby adopts the Appeals Officer’s findings, conclusions, and recommendation by a vote of 5 in favor (Kyle Cooper, Paula Wolff, Steven Block, Mareilé Cusack, and Nanette Doorley) 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, Mareilé Cusack, and Nanette Doorley.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 16<sup>th</sup> DAY OF MAY 2024.

/s/ KYLE COOPER  
President

/s/ MAX A. CAPRONI  
Executive Director