

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 24 AA 06**
APPLICANT FOR THE POSITION OF)
POLICE OFFICER,) **(TALEO No. [redacted])**
CITY OF CHICAGO.)

FINDINGS AND DECISION

[Name redacted] (hereinafter referred to as “Applicant”) applied for a police officer position with the City of Chicago. In a letter dated December 10, 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 January 17, 2024, Applicant appealed this disqualification decision to the Police Board by filing a written request specifying why 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 February 28, 2024, OPSA filed with the Police Board a copy of the Notice and its response to Applicant’s Appeal (“Response”). On March 3, 2024, Applicant filed a reply to the Response (“Reply”). Police Board Appeals Officer Mamie Alexander has reviewed the Notice, Appeal, Response, and Reply.

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 and 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. Further, applicants 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.

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 debt not related to a business, mortgage, loans, student or auto loans, or medical bills the total of which is in excess of fifty (50%) of the annual starting salary of a Chicago Police Officer at the time of the 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.
2. Any applicant who owes a debt to the City of Chicago at any time during the processing will be given a reasonable amount of time to clear those debts. Any applicant who owes a debt to the City of Chicago at the time of hire will be found unsuitable for employment.

H. Disqualification Based on Other Conduct

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 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 was disqualified by OPSA for criminal conduct indicating violent tendencies based on several alleged incidents of domestic abuse against his wife. He was also disqualified for having three suspensions on his driving record, defaulting on seven loans, and engaging in other patterns of conduct that indicate that he is not suited for employment as a police officer. This conduct included, but was not limited to traffic violations resulting in an arrest and multiple instances of failing to appear in court.

Appeal, Response and Reply

Applicant appeals the decision, stating that the allegations of domestic abuse made by his estranged wife were created out of spite, and although they had disagreements on the dates provided, he never struck her or “unlawfully touched her in any way.” Applicant says that he was never aware that she contacted law enforcement, and he has since filed for divorce.

Applicant explains that his license was suspended three times for failing to make timely payments on his SR-22 insurance, and the issue was corrected by adding autopay on his account. Applicant also states that his indebtedness does not warrant disqualification, as his collection debts and charge-offs have either been paid in full or placed on a payment plan. He provides documentation from several credit accounts showing a zero balance, payment in full, and/or settlement.

Applicant shares that he has served our country in the US Army, and outside of traffic violations, has never been arrested. Applicant’s dream is to become a Chicago police officer, and he believes that his prior training has prepared him to provide quality service to the citizens of Chicago.

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

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 has demonstrated that he 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."

In his Reply, Applicant states that OPSA did not consider the circumstances surrounding his estranged wife's allegations, and reiterated that her allegations against him are false. He states that they are currently going through a divorce and are not on good terms. As a result, she would do anything to tarnish his name and reputation.

Applicant admits that his license was suspended three times, but states that the Board should consider the fact that he was a young man that was still learning and growing. He states that he took his credit and responsibilities for granted in the past but is a different man today. He declares that he is now able to fulfill the CPD's mission.

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, indebtedness, and other conduct 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 is a named suspect in a domestic battery involving his estranged wife, Lashawnda Spruiell (“wife”). Per the police report, in September, 2020, Applicant sent aggressive text messages to his wife, and approached her vehicle in an aggressive manner when she came to pick up their child. Applicant threw the child in the back seat, entered her vehicle, sat in the passenger seat, and refused to leave after multiple requests to do so. When his wife attempted to call the police, Applicant physically took her cellphone from her hands and a struggle ensued. During the struggle, Applicant placed his hands around his wife's neck and began to choke her. Applicant’s wife was able to break free and relocated to Public Safety Headquarters to file a report, as she was unable to retrieve her phone to call the police.

Applicant’s wife reported to the police that in addition to the current abuse, five past incidents of domestic abuse had occurred, the last one occurring in March 2020 in Houston, TX. Applicant’s wife reported that while dropping off a birthday gift for their daughter, Applicant “began talking crazy” to her, and slapped her while she was on the phone talking to her mother. Applicant then fled the scene.

When the Reporting Investigator (“R/I”) contacted Applicant’s wife regarding the incidents, she maintained that the reports were accurate. She also stated that Applicant physically battered her approximately ten times between 2017-2021, but she did not press charges.

Applicant's wife states that she would not recommend him for the position of Chicago police officer.

Applicant states that in September, 2020, he and his estranged wife were engaged in a disagreement, and his wife became "extremely confrontational and belligerent." He states that he attempted to exit the vehicle multiple times. He claims that during the disagreement, his wife began to put her cell phone in his face, but he did not strike her or unlawfully touch her in any way. He says that he "made a conscious decision to immediately exit the vehicle," and was never aware that she contacted law enforcement. He states that since the divorce has been filed, his only expectation with his wife is to successfully co-parent their daughter.

Applicant claims that the allegations that he slapped his wife in March, 2020 are completely false. He says that they got into a disagreement over balloons, and his wife came to his home uninvited, belligerent, and using profanity. He asserts that "at no point was there ever any physical altercation."

Driving Record

Applicant's driving record revealed that his license was suspended three times between 2015-2017 for failing to maintain SR-22 insurance. Applicant does not deny the suspensions, but states that they were financial in nature, and he corrected the issue by adding the payments to an automatic payment system. Since that time, he has never missed a payment.

Indebtedness

Applicant's credit report showed that he has defaulted on seven loans. Four accounts were in collections: Verizon Wireless (\$2,302.00), Synchrony Bank (\$1,400.00), Comcast (\$209.00), and T-Mobile (\$78.00), and two accounts were listed as charge-offs: Amer FST FIN (\$844.00) and Synch/JCB (\$586.00). In addition, Applicant's account with BMW Financial

Services was \$10,855.00 past due, and his vehicle was repossessed.

Applicant states that due to his separation and relocation, he was unable to keep up with the maintenance and payments on his BMW, so he voluntarily returned it. In addition, as of today, his collection debts and charge-off's have been paid in full and/or are up to date with payment plans.

Other Conduct-Lack of Respect for Authority or Law

OPSA alleges that Applicant has engaged in a pattern of conduct that indicates that he is not suitable for employment as a police officer, and cites the following incidents in support:

- Applicant received two traffic convictions-in June, 2015 for Failure to Appear for Trial/Court Appearance, and November, 2017 for Speeding 15 MPH or more over the speed limit.
- Applicant was cited by the Eden Prairie (MN) Police Department in September, 2023 for speeding and was convicted of a petty misdemeanor for Failure to Appear or Pay Fine.
- Applicant was arrested by the CPD in November, 2013 and cited with nine charges, including, but not limited to displaying false registration belonging to another vehicle.
- Applicant had three driver's license suspensions for failure to maintain SR-22 insurance; and
- Applicant defaulted on seven loans.

Applicant states that he was not aware of his court dates, and paid all of his speeding tickets in full. He claims that during the November, 2013 incident, he was driving his father's vehicle, and was unaware that his father had "multiple infractions wrong with his vehicle."

Applicant states that he had a valid license and insurance when he was arrested, and eight of the nine counts were dropped. Applicant admits that he recently received a speeding ticket in Minnesota, and states that it has been paid in full.

Conclusions of Law

Section IV. of OPSA's Special Order 21-01 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 states that all of his wife's allegations of domestic battery are false, she immediately fled to the police station following the September, 2020 incident, and Applicant was named as a suspect in the police report. In addition, Applicant's wife advised both the police and the R/I that Applicant was physically abusive to her on numerous occasions.

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 police report, the most recent domestic incident with Applicant's wife occurred on September 11, 2020, which is within three years of his PHQ submission in July, 2023. As a result, the conduct described in the domestic battery incident(s) could be found to

constitute a misdemeanor under section B(7)(c), and the conduct occurred within the last three years.

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, including, but not limited to speeding.

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 for failing to maintain SR-22 Insurance. While Applicant argues that the suspensions were for failing to make timely payments, he does not deny that he has received multiple speeding tickets and was cited with nine charges following his arrest in November, 2013. Therefore, Applicant’s driving record could be considered grounds for disqualification based on Section C(1) of OPSA’s Standards.

Indebtedness

Section G(1) of the Standards states: “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.”

Applicant’s credit report revealed that he had **seven** credit accounts in default and an inconsistent payment pattern. Applicant acknowledged the debts but stated that all of his accounts are now paid off or current. Regardless of the current status of the loans (many of which were paid off or settled after Applicant’s background investigation was completed),

Applicant's indebtedness could be considered grounds for disqualification under Section G(1) of the Standards.

Other Conduct

Section H (1) states that any applicant who has engaged in conduct that exhibits a "...lack of respect for authority or 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" (emphasis added).

Applicant's driving record, which includes three suspensions for failing to comply with a court order to maintain SR-22 insurance, two convictions for failing to appear in court, an arrest for displaying false registration, and multiple speed violations, could be found to show a lack of respect for authority under section H(1).

No additional facts, evidence or arguments were submitted in Applicant's Appeal that support his contention that OPSA erred in disqualifying Applicant based upon his criminal conduct indicating violent tendencies, driving record, indebtedness, and other conduct.

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

Mamie Alexander
Appeals Officer

Date: May 10, 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 16th DAY OF MAY 2024.

Attested by:

/s/ KYLE COOPER
President

/s/ MAX A. CAPRONI
Executive Director