

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 24 AA 08**  
**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 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 January 30, 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 March 13, 2024, OPSA 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

#### **B. Disqualification Based on Criminal Conduct**

##### 7. Other Criminal Conduct

##### b. 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.

#### **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.

#### **D. Disqualification Based on Prior Employment History**

- 1) Police Officers are required to work well with others, public officials, and members of the public, as well as maintained a professional work ethic.

Further, a police officer's ability and willingness to obey orders and critical to the proper functioning and administration of the Chicago Police Department, which in turn is vital to the Chicago Police Department's ability to protect the public. A steady employment history is an indication that, among other things, an applicant has the ability to work well with others; follow workplace rules, perform his or her work to acceptable standards; and come to work on time and on a regular basis.

- 2) 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 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 a Chicago Police Department employee, may be found unsuitable for employment. In addition, an applicant with a history of sporadic employment, evidenced by frequent changes in employment or short duration, may be found unsuitable for employment.

Violating Rules and Regulations of the Chicago Police Department:

V. Rules of Conduct

Rule 5: Failure to perform any duty.

Rule : Disobedience of an order or directive, whether written or oral.

Rule 7: Insubordination or disrespect toward a supervisory member on or off duty.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Rule 10: Inattentive to duty.

Rule 11: Incompetency of inefficiency in the performance of duty.

**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.

#### **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.
4. Any applicant who has engaged in conduct affecting public health, safety and decency, including but not limited to disorderly conduct, illegal gambling, child endangerment or other offenses may be found unsuitable for employment.

#### **I. 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.

Applicant was disqualified by OPSA for conduct involving dishonesty, prior employment history, false statements or omissions and/or failure to cooperate in the application process, and other conduct based on her employment history and the answers provided in her Personal History Questionnaire (“PHQ”). OPSA alleges that despite receiving a written warning in 2019 and being discharged from XSport Fitness (“XSport”) in 2020, Applicant answered “No” on her PHQ when asked whether she had ever been discharged or reprimanded by any employer. Applicant was also found ineligible for rehire at Eastern Vitality Acupuncture (“EVA”) and failed to disclose her employment as a nanny from December 2020-December 2022.

In addition, Applicant was disqualified for five accidents listed on her driving record, and indebtedness that includes \$30,507.00 in revolving credit and \$62,705.00 of installment loans.

### **Appeal and Response**

Applicant appeals the decision, stating that the information cited in the Notice is inaccurate. She provides a detailed explanation for each of the allegations listed and provides documentation in support.

Applicant states that she resigned from XSport, and was never terminated. She claims that she did not recall receiving a write-up while working there, and therefore answered “No” on her PHQ to receiving any reprimands. Applicant also states that although five accidents are listed on her driving record, she was only at fault for one. She disputes the amount of indebtedness listed in her background investigation, and claims that she only has \$8,215.00 in credit card debt and \$62,735.00 in revolving loans. She provides copies of her credit card statements and loan

documentation in support.

Applicant shares that she has always wanted to be a Chicago police officer, and has prepared her mind and body for the position. She says that she ranked number 2 out of 245 candidates that took the test and is a “responsible individual that is focused and driven.” She states that she has the passion and grit to protect Chicagoans with pride and integrity.

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 Conduct Indicating Dishonesty, Driving Record, Prior Employment History, Seven CPD Rule Violations, Indebtedness, Other Conduct, and False Statements or Omissions and/or Failure to Cooperate in the Application Process). 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.

### **Findings of Fact**

Filings were timely.

OPSA provided the factual basis for its decision to disqualify Applicant and remove her name from the eligibility list. OPSA determined that Applicant’s conduct involving dishonesty, driving record, employment history, indebtedness, other conduct, and false statements or omissions and/or failure to cooperate in the application process 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 Dishonesty**

On Applicant's PHQ in April, 2023, she answered "No" when asked whether she had ever been discharged or reprimanded by an employer, and stated that she resigned from her position at XSport. In November, 2023, Applicant verified the answers contained on her PHQ, and reiterated that she resigned from all employers other than EVA (where she was laid off) and has never received a written or oral reprimand from any employer.

According to an email sent to the Reporting Investigator ("R/I") from XSport's HR General Manager, Applicant worked at XSport from June, 2018 through March, 2020. Applicant received a written warning in July, 2019 for a policy violation and was terminated from XSport for misconduct on March 9, 2020.

Applicant also failed to report her employment as a nanny from December, 2020-December 2022 in the employment section on her PHQ or in her Kentech report in September, 2023. It was only in a follow-up interview with the R/I in November, 2023 that Applicant disclosed that she was a nanny for a private family and emailed the R/I the information for this employment.

Applicant denies that she was terminated from XSport and insists that she resigned on March 2, 2020 due to the toxic work environment and long hours that interfered with her college coursework. Applicant states that she is confused about why her file states that she was terminated, as the Regional Manager was present when she resigned, and she has paperwork confirming her resignation. Applicant includes an unsigned document from her former Regional Manager at XSport explaining that there may have been confusion surrounding Applicant's

departure because XSport was in the midst of shutting down operations due to COVID.

Applicant claims that she did not recall the write up that she received in 2019, which is why she reported that she has never received a written reprimand. She also says that she did not include her position as a nanny on her PHQ because her services were on an as needed basis, and not full or part-time employment. As a result, she was not required to pay income taxes, as she made less than the IRS filing requirements. Applicant provided documentation from the IRS website outlining income reporting requirements in support.

### **Driving Record**

Applicant's driving record revealed five accidents between 2017-2021. They included striking a parked car, striking a pedal cyclist, a rear-end collision, and striking a car door.

Applicant asserts that she is only responsible for one of the accidents, and provides a detailed explanation of the events of each accident. Applicant explains that in two of the accidents, she was not the driver or owner of the vehicle, and was listed on the police reports only as a witness and/or passenger. In the other two accidents, she was struck by another vehicle, and struck a car door that opened into traffic. She states that these accidents were not her fault, and she was not cited.

Applicant admits that in April, 2018 she struck a pedal cyclist who was riding against the normal flow of traffic. She states that she did not expect him to be riding on her left, and accidentally struck him. Applicant states that she takes full responsibility for this accident, and now understands the importance of "paying attention to all aspects of the road." Applicant notes that she was not ticketed for the accident.

Applicant provided a copy of the police report for each accident, along with her driving abstract. She believes that the documentation provided confirms that she should not be



disqualified based on her driving record.

### **Prior Employment History**

According to XSport's HR Manager, Applicant was discharged from XSport for misconduct based on customer service complaints for inappropriate interaction. The manager stated that there were multiple complaints regarding Applicant's lack of responsiveness, member interactions and customer service. Members complained that Applicant raised her voice and used profanity toward them in conversations. They also stated that she displayed unprofessional behavior such as eye rolling and refused to perform job duties towards the end of her shift. Applicant received a written warning in July, 2019 for violating company policy after providing a member with an unauthorized discount.

In addition, from January 2023-March 2023 Applicant worked for EVA at the front desk, where she was responsible for scheduling, answering phones, and cleaning. According to the Office Manager, Applicant did not get along well with her associates and her job performance was "not good." Therefore, she is not eligible for rehire.

In response to OPSA's allegation of a poor work history, Applicant reiterates that XSport was a toxic environment with many internal issues amongst staff and members. She explains that she sometimes provided discounts to customers in order to price-match what her facility advertised. As a result, she was written up for violating company policy by overriding the price in the system.

Applicant states that team members at XSport were often forced to work double shifts without rest and were not supported by management. She admits that at times she was "not the nicest" to patrons, but states that she was burned out due to long shifts while taking a full load of classes, and finally resigned on March 2, 2020. Applicant states that she was a good employee,

and provides numerous letters of recommendation from several of her co-workers and managers, who describe her as hardworking, dedicated, and punctual.

Applicant explains that her position at EVA was temporary, and during that time, she was never advised by her manager that there were any issues with her work or behavior. She says that she was not aware that her manager would not rehire her.

### **Indebtedness**

Kentch's closing report shows that Applicant has \$30,507 in revolving credit and \$62,705 of installment loans, each of which is in good standing as of September 30, 2023. Applicant disputes the amount of debt listed in her report, stating that she has \$8,215.00 in credit card debt, and \$62,735.00 in installment loans. Applicant says that at one time, she was an authorized user on her mother's credit card, but never used it. She states that she has since removed her name from the account and provides documentation in support. Applicant also provides credit card statements and loan documentation to confirm the amount of her debt.

### **Other Conduct**

OPSA alleges that Applicant's conduct during her employment history with XSport and EVA is Other Conduct warranting disqualification under Section H of the Standards. Applicant asserts that she should not be disqualified based on "Other Conduct," as OPSA's account of her employment history is inaccurate, and she has never engaged in conduct that affected the health and safety of others.

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

OPSA alleges that Applicant provided false statements in her PHQ when she answered "No" to being discharged or reprimanded by an employer. She also failed to disclose her employment as a nanny from December 2020-December 2022, which was deemed an omission

and/or failure to cooperate in the application process.

### **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.

Applicant was disqualified by OPSA based on conduct involving dishonesty, prior employment history, other conduct, false statements or omissions and/or failure to cooperate in the application process. Based on the details provided in the Notice and Response, Applicant's past conduct contains numerous violations that could be considered grounds for disqualification based on OPSA's Standards and Section 5 of CPD's Rules and Regulations.

While it is important to note that Applicant's Appeal contains detailed explanations that rebut some of the grounds for her disqualification, numerous grounds remain. Applicant answered "No" on her PHQ when asked whether she had ever been reprimanded or terminated and failed to list her two-year employment as a nanny. This could be deemed conduct indicating dishonesty, false statements and/or omissions, or failure to cooperate in the application process, in violation of Sections B(7)(b)(1) and I of the Standards.

Assuming arguendo that Applicant resigned from XSport, she still received a reprimand in 2019 for giving an unauthorized discount to a customer in violation of company policy. In addition, Applicant did not deny raising her voice, using profanity, displaying unprofessional behavior toward the customers, or refusing to perform her job duties towards the end of her shift. In fact, she admitted that at times she was "not the nicest" to patrons.

Furthermore, her manager at EVA stated that Applicant did not get along with her co-workers and would not be eligible for rehire. As a result, the conduct described in Applicant's

prior employment history with XSport and EVA could be considered grounds for disqualification based on Section D of the Standards and Rules 5-11 of Section 5 of the Chicago Police Department's Rules and Regulations.

Lastly, although Applicant was not responsible for most of the accidents listed on her driving record, she was involved in an accident where she struck a pedal cyclist. As a result, her driving record could be considered grounds for disqualification under Section C of the Standards, which requires that officers "operate vehicles in a careful manner protective of the public."

No additional facts, evidence or arguments were submitted in Applicant's Appeal that support her contention that OPSA erred in disqualifying Applicant based upon her conduct involving dishonesty, prior employment 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*

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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 16<sup>th</sup> DAY OF MAY 2024.

Attested by:

/s/ KYLE COOPER  
President

/s/ MAX A. CAPRONI  
Executive Director