

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 24 AA 27**  
**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 March 18, 2024, 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 April 2, 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 May 29, 2024, OPSA filed with the Police Board a copy of the Notice and its response to Applicant’s Appeal (“Response”). Police Board Appeals Officer Mamie Alexander has reviewed the Notice, Appeal, and Response.

**APPEALS OFFICER’S FINDINGS, CONCLUSIONS, AND RECOMMENDATION**

Appeals Officer Mamie Alexander, as a result of a review of the above material, submits the following findings of fact, conclusions of law, and recommendation to the Police Board.

### **Filings by the Parties**

Applicant filed a timely appeal as provided by Section 2-84-035(b) of the Municipal Code of Chicago, and the Response was filed within the time period allowed by the Police Board Rules of Procedure.

According to the Notice, Applicant was removed from the Eligibility List for the following reasons:

- IV. Pre-employment Investigation Standards for Applicants to the Position of Police Officer

### **C. Disqualification Based on Driving Record**

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.
2. Exceptions to this standard will apply where one or both suspensions of driving privileges were the result of failure to comply with a Vehicle Emissions Inspection Law or failure to pay parking fines. While such conduct alone may not lead to disqualification, in combination with other factors, it may be the basis for finding an applicant 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 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 be disqualified. Prohibited conduct within this category includes, but is not limited to: failure to provide any required information; failure to provide any required 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 based on his driving record and false statements or omissions and/or failure to cooperate in the application process. Applicant's driving record contains more than eight convictions for speeding between 2015-2018, and his driver's license has been suspended numerous times. Applicant has been arrested three times for driving on a suspended license, and in January, 2020 was the at fault party in a traffic accident involving personal injury. Applicant was dishonest about the severity of the accident in his Kentech interview, and failed to report that he received a citation.

### **Appeal and Response**

Applicant appeals the decision, stating that although he went through a lot of "hiccups" in life, he has always wanted to be a police officer. He states that he was born and raised in Chicago and received his bachelor's degree in criminal justice from the University of Wisconsin-Platteville. He states that he has a lot of good that he can do for others and won't stop until he can do so as a Chicago Police Officer.

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 Driving Record and Disqualification Based on 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. OPSA adds that Applicant's dishonesty is extremely troubling, and had he 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."

### **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. It determined that Applicant's driving record 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.

Applicant's Illinois and Wisconsin driving abstracts contain more than a dozen citations between 2016-2023, resulting in at least eight speeding convictions and three driver's license

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suspensions. He also failed to appear in court on numerous occasions. The dates and offenses of Applicant's citations are as follows:

- 21 September 2015-Speeding 11 - 14 MPH Above Limit; Issuing Agency: Illinois State Police ("ISP") Disposition: Conviction
- 20 December 2015-Speeding 15-25 MPH Above Limit; Issuing Agency: ISP Disposition: Conviction
- 10 July 2016-Speeding-80 mph in 55 Zone/No valid DL/Warrant Issued Issuing Agency: ISP Disposition: Conviction
- 20 April 2017-Speeding 15-25 MPH over the Limit; Issuing Agency: ISP Disposition: Conviction
- 26 November 2017-Speeding 15 - 25 MPH Above Limit; County: Winnebago County, IL; Disposition: Conviction
- 27 November 2017-Speeding/Failure to Maintain Liability Insurance Issuing State: Wisconsin Disposition: Conviction
- 14 February 2018-Speeding-Issuing State: Wisconsin Disposition: Conviction
- 08 August 2019-Speeding-Issuing State: Wisconsin Disposition: Conviction
- 04 January 2020-Accident - Collision Involving Personal Injury, Improper Lane Usage; Issuing Agency: ISP; Disposition: FTA
- 03 October 2020-Operating While Suspended; Issuing Agency: Platteville Police Department, WI Disposition: Unknown
- 22 August 2023-Illegal Cell Phone Use; Issuing Agency: Hickory Hills Police Department Disposition: \$50.00 Fine

Applicant's Illinois driving abstract contains the following warnings:

- 10 July 2016-Improper lighting-head or taillights; Issuing Agency: ISP
- 11 July 2017-Driver required to wear seatbelt; Issuing Agency: ISP

- 21 September 2020-Speeding over Statutory Limit 1-10 mph; Issuing Agency: ISP

Applicant was also arrested three times for driving on a suspended license (on May 16, 2016, July 16, 2016, and November 24, 2018), and was involved in a collision involving personal injury on January 4, 2020. When asked about the accident in his Kentech interview, Applicant stated that he was driving in the middle lane of traffic, and while moving over to exit, he “nicked” the back of a truck. He stated that his insurance covered the claim, and no tickets were issued.

However, the Illinois Traffic Crash Report states that Applicant abruptly changed lanes to avoid missing his exit and struck another vehicle on the left side with his front fender. The accident took place in a *construction zone*, and the impact caused the other vehicle to spin out and collide with several construction barrels. The driver was taken from the scene by ambulance to Advocate Christ Medical Center, and Applicant was issued a citation for Improper Lane Usage.

Applicant admits that his record is problematic, but states that from a young age, he has always wanted to be a police officer. He shares that growing up in a low-income family allowed him to witness a lot of injustices, and he wants this job now more than ever.

Applicant declares that he will not stop applying until he becomes a Chicago Police Officer.

#### **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. Applicant was disqualified by OPSA based on

his driving record and false statements or omissions and/or failure to cooperate in the application process.

**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 record contains more than eight convictions for speeding, and his driver’s license has been suspended numerous times. Applicant has also been arrested three times for driving on a suspended license, and in January, 2020 was the at fault party in a traffic accident involving personal injury. As a result, Applicant’s driving record could be grounds for disqualification based on Section C(1) of the Standards.

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

Section I(1) states: “Honest and complete answers to background questions asked of applicants during the application process... are extremely important to the maintenance of the Chicago Police Department's force and the integrity of its hiring process.” Furthermore, “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.” A failure to cooperate can include “failure to fully disclose all known information requested, whether it is beneficial or prejudicial to the applicant” and/or “making false or misleading statements in connection with any part of the application process.”

Applicant misrepresented the severity of his January, 2020 traffic accident during his

Kentech Interview, and failed to disclose that he was issued a citation. As a result, Applicant's false statements and/or omissions could be considered grounds for disqualification based on Section I(1) of the Standards.

No additional facts, evidence or arguments were submitted in Applicant's Appeal that support his contention that Department erred in disqualifying Applicant based upon his driving record and false statements or omissions and/or failure to cooperate in the application process. In considering and weighing the 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: August 9, 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 8 in favor (Kyle Cooper, Paula Wolff, Claudia Badillo, Steven Block, Mareilé Cusack, Kathryn Liss, Andreas Safakas, and Justin Terry) 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, Claudia Badillo, Steven Block, Mareilé Cusack, Kathryn Liss, Andreas Safakas, and Justin Terry.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15<sup>th</sup> DAY OF AUGUST 2024.

Attested by:

/s/ KYLE COOPER  
President

/s/ MAX A. CAPRONI  
Executive Director