

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)	
[NAME REDACTED],)	No. 24 AA 66
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 August 13, 2024, and sent to Applicant via email on that date, the Office of Public Safety Administration (“OPSA”) gave Applicant written notice of the 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 notice of the right to appeal (“Disqualification Decision”).

On October 13, 2024, Applicant filed with the Police Board an appeal of the Disqualification Decision pursuant to Section 2-84-035(b) of the Municipal Code of Chicago (“Appeal”). On December 2, 2024, OPSA filed a response to the Appeal (“Response”). Applicant did not file a reply to the Response.

Police Board Appeals Officer Lauren A. Freeman reviewed the Disqualification Decision, Appeal, and Response.

APPEALS OFFICER’S FINDINGS, CONCLUSIONS, AND RECOMMENDATION

Appeals Officer Freeman, 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.

Disqualification Decision

According to the Disqualification Decision, Applicant was removed from the Eligibility

List for the following reasons:

Basis #1

Disqualification Based on Criminal Conduct¹

1. One purpose of the pre-employment investigation is to determine whether the applicant has engaged in criminal conduct. This is important because police hold a unique position of public trust and are tasked with protecting the public and enforcing the law. Even more than other City employees, Chicago Police Department officers are specifically tasked with and sworn to uphold the law. Therefore, an applicant may² be disqualified from consideration for a police officer position if there is evidence that the applicant has engaged in criminal conduct, even if the applicant was never convicted of any criminal offense. Applicants with a history of criminal conduct that falls within the Department's disqualification standards are deemed unable to protect the public and its trust in the police. It is the conduct itself, not the fact that the applicant was convicted, that makes the applicant unsuitable for employment.
2. There are various types of proof which indicate criminal conduct, including a record of conviction or an admission that indicates the applicant engaged in criminal activities. A record of conviction or an admission will be *prima facie* evidence that the applicant engaged in criminal conduct.
3. Unlike a record of conviction or an admission, an arrest record merely indicates an allegation of criminal conduct and must be investigated further in order to be the basis for disqualification. When investigating an arrest record, the investigator must, to the extent reasonably possible, secure evidence, including but not limited to statements obtained from interviews with police officers, victims and witnesses, which will be used to determine whether the applicant engaged in disqualifying criminal conduct.
4. In describing examples of disqualifying conduct, these Standards may refer to the Illinois Compiled Statutes. The references to the Illinois Compiled Statutes are descriptive only. Any similar federal offense, military offense or offense in any other jurisdiction within the United States (state or local) or any foreign jurisdiction may serve as a basis for disqualification.
5. The Standards are as comprehensive as possible; however as noted above, they

¹ Section IV.B. of OPSA Special Order 21-01—Pre-Employment Disqualification Standards for Applicants for the Position of Police Officer.

² The OPSA Background Investigation Summary incorrectly stated “will” rather than “may.”

cannot encompass every possible scenario. Failure to enumerate any particular offense does not exclude such offense from being the basis for disqualification. Commission of any criminal or quasi-criminal act may result in disqualification from employment as a Police Officer if it is determined that the acts or omissions of the applicant make him or her unsuitable for the position of Police Officer.

OPSA cited the following conduct, in summary:

Applicant's Police Contacts and Arrests

1. Date of Incident: October 5, 2004

Classification: Criminal Damage to Property

Disposition: Applicant taken into custody but not charged with a criminal offense

Summary: Applicant kicked in the door of her grandmother's residence. Police officers responded to a domestic disturbance call and upon arrival, found Applicant sitting on the steps by the door she kicked in. When police officers responded to the scene, Applicant resisted arrest and the officers conducted an emergency takedown of Applicant. While on the ground, Applicant kicked one of the officers and while being taken into custody, kicked her grandmother in the leg. Per the police report, since she was a "mental patient," she was taken to Michael Reese Hospital for evaluation instead of being arrested.

During her interview with OPSA investigators in May, 2024, Applicant admitted that she damaged the door but did not admit that she kicked her grandmother or the police officer.

2. Date of Incident: May 7, 2007 (No arrest) -

Classification: Offense Involving Child Abuse

Disposition: Not charged with a criminal offense

An individual reported that Applicant had shaken and hit her one-year-old daughter very hard. A different witness stated that she had seen Applicant strike the child in the face at church, leaving a handprint. Applicant denied ever striking her daughter and Applicant was not charged with an offense after the investigating detective learned that DCFS had unfounded the case because of lack of evidence.

During her May, 2024 interview with OPSA investigators, Applicant alleged that when she picked her daughter up from daycare, her daughter had a black eye. When Applicant threatened to pull her daughter out of daycare, the woman who recommended the daycare to Applicant falsely reported Applicant for child abuse.

3. Date of Incident: December 21, 2007 (Arrest status unknown)

Classification: Battery - Domestic Battery Simple

Disposition: No arrest

Applicant's former boyfriend, [Name redacted], reported that Applicant was angry at him and pushed him in the face, causing him to fall down several stairs while holding their child.

During her May, 2024, OPSA interview, Applicant denied pushing [Name redacted]. She stated that she and [Name redacted] had been arguing because she had taken him to court and was awarded child support.

4. Date of Incident/Arrest: January 11, 2009

Classification: Disorderly Conduct. Applicant arrested.

Disposition: Dismissed on Prosecutor's Motion

Police officers responded to a call of disturbance involving a knife and upon arrival, found Applicant's mother ([Name redacted]) outside of Applicant's grandmother's ([Name redacted]) apartment door with bloody hands. [Name redacted] told the police that Applicant had punched or slapped [Name redacted] repeatedly in the head because [Name redacted] would not give Applicant a relative's cell phone number. Applicant had a large cut on her elbow and a cut on her finger and Applicant told the police that her mother had cut her with a knife. [Name redacted] informed the officers that Applicant and [Name redacted] had been wrestling over the knife. Since [Name redacted] alleged that Applicant started the fight, Applicant was arrested for disorderly conduct.

5. Date of Incident: June 5, 2009

Classification: Battery – Simple

Disposition: Arrested - According to Applicant, the charges were dismissed

Officers responded to a battery that had just occurred. Upon arrival, the alleged victim, Applicant's friend, told the officers that Applicant had hit, scratched, and bit, the victim about the face, neck, and arms, with opened and closed hands, causing swelling and scratches. Applicant was placed into custody.

During her May, 2024 OPSA interview, Applicant recalled that 'the incident did occur and charges were dropped.' Applicant states that she couldn't recall how the altercation began but that she (Applicant), 'did put [her] hands on her' and 'dragged her out of the car.' Applicant stated that her friend dropped the charges because she was 'bogus.'

6-8. Date of Incidents: September 19, 2018 (three related incidents reported)

Classification: Assault – Simple; Telephone Threats (2)

Dispositions: No arrests – Alleged victim declined to press charges

Applicant's two-year-old daughter was enrolled at Valentine Boys & Girls Club after school program. When Applicant asked to also enroll her six-year-old son in the program, alleged victim "[Name redacted]," the Club Director, told Applicant there was no more room in the program for him. [Name redacted] alleged that Applicant then called [Name redacted] a 'fucking liar' and threatened she was 'coming up to kick her ass and bringing the police. Approximately 90 minutes later, Applicant called [Name redacted] twice, threatening [Name redacted] by stating (not verbatim), 'Watch your mother fucking back bitch' and alleging [Name redacted] was racist. When the investigating detective called Applicant concerning the incidents, she admitted she was involved in an incident at the Boys' and Girls' Club, became irate, and screamed "vulgar

language” at the detective.

During her May, 2024 OPSA interview, Applicant told the investigator that ‘something occurred [at the Club] and they did something to my child – I was upset.’ The OPSA investigator asked what the Club did to her children and Applicant responded, ‘I apologized; I may have threatened, I don’t recall. People lie.’

9. Date of Incident: December 1, 2018

Classification: Assault - Simple

Disposition: Unknown

While Applicant was attending Kennedy King College, a classmate alleged that Applicant approached her aggressively and stated, “Bitch, I will fuck you up,” causing the classmate to be in fear of her personal safety. Applicant was consequently expelled from the college.

10. Date of Incident: April 13, 2020

Classification: Battery – Domestic Battery Simple

Disposition: No arrest - Complainant did not want to press charges – he just wanted to retrieve some items and relocate to his sister’s home.

Applicant’s husband ([Name redacted]) alleged Applicant struck him with a pot.

During her May, 2024 OPSA interview, Applicant indicated that she presently had a restraining order against her former husband and that during the incident, he bit her and “busted her head,” so she “did what was needed; [she] hit him with a pot.” Applicant then denied that he “busted her head” and stated, “No, he kicked the door and he did not know I was behind it...”

11. Date of Incident: August 6, 2021

Classification Listed on Police Report: Battery – Domestic Battery Simple

Disposition: No arrest

Police officers responded to a call of a domestic disturbance and upon arrival, were met by [Name redacted]. [Name redacted] related that while in the parking lot of a Community Center, Applicant assaulted him, battered his father, and told [Name redacted] she was going to get her friends to kill him – all while she was holding a baseball bat. She then fled and the responding officers were unable to locate her.

During her May, 2024 OPSA interview, Applicant offered different versions of the incident, indicating that [Name redacted] was not present and that [Name redacted]’s father was the aggressor.

In June, 2024, OPSA investigators interviewed [Name redacted] regarding the August 6, 2021 incident. [Name redacted] stated that after he and Applicant attended their son’s baseball game, Applicant pushed [Name redacted]’s father away when [Name redacted]’s father tried to hug his grandson. Applicant then placed her son in a head lock, pulling him back to keep [Name redacted]’s father away. Applicant also threatened [Name redacted] and his family and yelled

obscenities at them before kicking [Name redacted]'s car door, causing a dent to the door and causing the door to hit his leg and arm.

Basis #2
Disqualification Based on Criminal Conduct

6. Felonies

An applicant who has engaged in any conduct which would constitute a felony is not eligible for employment.

OPSA cited the following conduct, in summary:

Date of Incident/Arrest: November 1, 2008

Classification listed on police reports: Battery – Aggravated P.O. – Hands, Fist, Feet (Felony)
Disposition: Pursuant to the Accurant Report³, Charges amended to Misdemeanor Attempt Resisting P.O. Plea/Finding Guilty, Sentenced to Supervision (Applicant stated to OPSA investigators that she was also required to perform Community Service).

Police Reports state that Applicant entered the 006th District police station and asked desk personnel to make changes to a police report she had previously filed. After a sergeant informed her that she would have to make the changes with the assigned detective, she became verbally abusive, directing numerous profanities at the sergeant and desk personnel. She then pushed papers off of a desk, threw her purse to the ground, and began pounding on the glass of the station's revolving entry/exit door, causing citizens to move away from her. When she refused orders to cease pounding and exit the facility, a captain ordered officers to take her into custody. As officers moved toward her, she began wildly swinging her arms and fists and stated, "Don't you fucking touch me." The officers then conducted an emergency take down of Applicant and once on the ground, she began kicking at the officers and continued to swing her fists. Once taken into custody, she continued to be abusive, belligerent and violent toward the officers, initially refusing to be searched. As a result of the incident, one officer suffered swelling and bruising to her right cheek. Applicant was charged with four felony counts of Resisting or Obstructing a Peace Officer (one count for each of four different officer victims) and Disorderly Conduct.

The police reports further state that when Applicant was interviewed after her arrest, she admitted she had become upset, threw her purse to the ground, was 'using the revolving door as a punching bag,' and said, 'Fuck the police.' She also admitted that when the officers grabbed her, she began to resist because she knew she would be arrested, and that she may have struck someone. She told one of the officers, 'If you weren't wearing that badge, I'd kick your ass.' She apologized for her behavior.

During her May, 2024 OPSA interview, Applicant claimed she had this case 'expunged.' She

³ Accurant is a company allowing direct access to public records

admitted that during the incident, the police dragged her, “she was disorderly, and she went to jail,” but denied hitting the officer.

Basis #3

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.

OPSA cited the conduct detailed in Basis #1 and #2 to exhibit Applicant’s violent tendencies. In addition, OPSA investigators interviewed several witnesses who described Applicant’s violent disposition.

Basis #4

Disqualification Based on Criminal Conduct

7. Other Criminal Conduct

e. Conduct Affecting Government Functions

Police officers are required to respect the functions of other public service

employees and their ability to do so is vital to the Chicago Police Department's mission to protect the public and its trust in the police. Therefore, any conduct adversely affecting government functions will be grounds for disqualification. Conduct adversely affecting government functions includes but is not limited to, conduct which would constitute treason, interference with public officers, interference with penal institutions, interference with judicial procedure and official misconduct. As noted above, an applicant who has engaged in an 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.

OPSA cited the conduct alleged in Applicant's November, 2008 arrest as set forth above in Basis #2.

Basis #5

Disqualification Based on False Statements or Omissions and/or Failure to Cooperate in the Application Process⁴

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 expected⁵ 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 could⁶ 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.

⁴ Section IV.I. of OPSA Special Order 21-01.

⁵ The OPSA Background Investigation Summary incorrectly stated "required" rather than "expected."

⁶ The OPSA Background Investigation Summary incorrectly stated "shall" rather than "could."

OPSA cited the following conduct, in summary: In response to PHQ questions 37-39, 42, and 44, and during her home interview with OPSA investigators, Applicant failed to disclose eleven of her twelve prior contacts with law enforcement.

Appeal Summary

In her Appeal, Applicant does not allege that OPSA erred in its factual determinations underlying the disqualification, nor bring to the Board's attention additional facts directly related to the reasons for the disqualification decision. Instead, she generally admits, "some of those things did happen and some of them did not," and she "does not wish to rehash every story but to give a little back story to [her] upbringing."

Her Appeal details an upbringing and young adulthood during which she was subjected to neglect as well as ongoing verbal, psychological, physical, and sexual abuse, at the hands of her mother, her mother's boyfriends, the foster care system, and then her abusive husband.

She contends that, "in no way is [she] saying that the behaviors [she] was displaying were appropriate, but a lot of them were linked to the hostile environment in [her] home with [her] husband." She was "displaying anger out of fear."

Applicant states, "Again, there is no excuse for my behaviors" but "over the years I have overcome all of these things... the person in those reports is not who I am today." As a young adult, she ultimately managed to find her own housing and entered college. She has taken steps to recover her dignity and self-worth and even in the midst of turmoil, she has cared for three children, graduated from college with honors, started a catering business, and is active in her church. She no longer surrounds herself with people and/or things that are not good for her and becoming a CPO will be another part of a success story that will be inspirational for her children

and those people with similar backgrounds. She asks that the Board take a look at her extenuating circumstances and “grant [her] acceptance to the ranks of one of the most respected police departments in the nation.”

Response Summary

OPSA’s Response avers that OPSA (often referred to as “the Department” in OPSA’s Response) reviewed Applicant’s Appeal request and refers to and relies on the facts and evidence relating to the disqualification contained in Applicant’s file and Background Investigation Report. OPSA maintains that the pre-employment disqualification standards upon which Applicant’s disqualification were based are clear, as delineated in the Background Investigation: Disqualification Based on Criminal Conduct in violation of Local, State, and Federal Statutes; Disqualification Based on Criminal Conduct (felonies); Disqualification Based on Other Criminal Conduct (Conduct Indicating Violent Tendencies); Disqualification Based on Other Criminal Conduct (Conduct Affecting Government Functions); and Disqualification Based on False Statements or Omissions and/or Failure to Cooperate in the Application Process.

Specifically, as to Basis #5, OPSA asserts that “the candidate’s failure to disclose her contacts with police regarding multiple domestic violence related incidents is extremely troubling.”

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 contends that the Background Investigation Report and the evidence in Applicant’s file support its decision to disqualify Applicant from hiring, and the Department is within its right to do so. OPSA reasons that Applicant’s history demonstrates 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, and is grounds for disqualification.

Findings of Fact

The Appeal and the Response were timely filed. Applicant's Appeal was not filed 60 calendar days from the date on the notice (August 13, 2024), as required by Section 2-84-035(b) of the Municipal Code of Chicago, but since the 60th day would have fallen on Saturday, October 12, and since Monday, October 14, was a City holiday, the Appeal deadline would have been Tuesday October 15. Therefore, the Police Board appropriately accepted Applicant's Appeal on October 13. OPSA received the Appeal on October 18, 2024, and filed its Response on December 2, 2024, within 45 calendar days of receipt of the Appeal (as required by Police Board Rule VII. E).

In its Disqualification Decision, OPSA provided the above factual bases for its decision to disqualify Applicant and remove her name from the Eligibility List. It determined that her history of criminal conduct, as well as her lack of candor when submitting her PHQ and during her OPSA interview, were grounds for disqualification.

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 that are applicable to this appeal. Applicant was disqualified by OPSA for violating Standards IV.B(1-7) -- criminal conduct (including felonious conduct), conduct indicating violent tendencies, conduct affecting government functions -- and for violating Standard IV.I based on false statements or omissions and/or failure to cooperate in the application process. Applicant submitted no additional facts in her Appeal to support a contention that OPSA erred in disqualifying her based

upon those standards

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

As noted above, Applicant’s Appeal does not allege that OPSA erred in its factual determinations underlying the disqualification, nor bring to the Board’s attention additional facts directly related to the reasons for the disqualification decision. Applicant failed to meet her burden of showing, by a preponderance of the evidence, that the decision to remove her from the Eligibility List was erroneous.

Recommendation

Based on the 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/LAUREN A. FREEMAN
Appeals Officer

Date: March 14, 2025

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 7 in favor (Kyle Cooper, Claudia Badillo, Steven Block, Tyler Hall, Kathryn Liss, Andreas Safakas, and Cynthia Velazquez) 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, Claudia Badillo, Steven Block, Tyler Hall, Kathryn Liss, Andreas Safakas, and Cynthia Velazquez. (Board Member Arlette Porter recused herself from this case to avoid the appearance of a conflict of interest.)

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY OF MARCH 2025.

Attested by:

/s/ KYLE COOPER
President

/s/ MAX A. CAPRONI
Executive Director