

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

<b>IN THE MATTER OF THE APPEAL BY</b>	)	
<b>[NAME REDACTED],</b>	)	<b>No. 24 AA 67</b>
<b>APPLICANT FOR THE POSITION OF</b>	)	
<b>PROBATIONARY POLICE OFFICER,</b>	)	<b>(Applicant No. [redacted])</b>
<b>CITY OF CHICAGO.</b>	)	

**FINDINGS AND DECISION**

[Name redacted] (hereinafter “Applicant”) applied for a probationary police officer position with the City of Chicago. In a letter dated November 14, 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 November 25, 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 January 9, 2025, OPSA filed a response to the Appeal (“Response”). Applicant did not file a Reply.

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

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

Appeals Officer 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.

### **Disqualification Decision**

According to the Disqualification Decision, Applicant was removed from Eligibility List for the following reasons.

#### **Basis #1**

[IV.B.]Disqualification Based on Criminal Conduct<sup>1</sup>

##### 7. Other Criminal Conduct

##### b. 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.

OPSA cited the following conduct, in summary:

Cocaine Use – Age 16. Applicant was reported to have disclosed during the polygraph exam that he tried cocaine when he was 16 years old. During a follow-up interview, Background Interviewer reported Applicant stated that he used cocaine twice at that age. OPSA considered this a violation of state law because it is unlawful for any person to knowingly possess a controlled or counterfeit substance.<sup>2</sup>

LSD Use – Age 16. During the polygraph exam and Background Interview Applicant is also reported to have admitted using LSD<sup>3</sup> a dozen times when he was 16 years old. OPSA considered this a violation of state law because it is unlawful for any person to knowingly possess a controlled or counterfeit substance.

##### Prescription Drug Use Without a Prescription – Age 15-18.

Xanax. Applicant disclosed during the polygraph exam and Background Interview that

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

2 Appeals Officer takes official notice that cocaine is a controlled substance.

3 Appeals Officer takes official notice that Lysergic acid diethylamide (“LSD”) is a controlled substance.

he used the prescription drug Xanax<sup>4</sup> without a prescription about a dozen times when he was 15 years old. OPSA considered this a violation of state law because it is unlawful for any person to knowingly possess a controlled or counterfeit substance, even if it is only one pill.

Adderall. Applicant disclosed during the polygraph exam and Background Interview that he used the prescription drug Adderall once when he was 18 years old. OPSA considered this a violation of state law because it is unlawful for any person to knowingly possess a controlled or counterfeit substance, even if it is only one pill

Illegal Sales of Drugs – Age 14-17. Applicant disclosed during the polygraph exam and Background Interview that he sold “weed,” LSD, Adderall and Xanax to his friends, the last time when he was 16 years old. He was reported to have said that he sold them because they were leftover drugs he did not want to take and did not want it in his home. He further explained that it wasn’t done to make money, that he was just trying to get rid of it and the easiest way was to give it to friends sometimes it was only for food or snacks.

(Disqualification Decision).

## **Basis #2**

### **[IV.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 the applicant has a reputation or propensity for truthfulness, is believable and has a personal history free from deceit

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<sup>4</sup> Appeals Officer takes official notice that alprazolam (“Xanax”) is classified as a benzodiazepine-controlled substance.

or fraud.

- (2) Any conduct demonstrating a reputation or propensity for dishonesty may be grounds for disqualification. Conduct demonstrating a propensity for dishonesty includes but is not limited to conduct that would constitute theft; embezzlement; forgery; false impersonation; identity theft; bribery; eavesdropping; computer crimes; fraud; money laundering; deceptive practices; or perjury.
- (3) 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, may be found unsuitable for employment.

OPSA cited the following conduct, in summary:

Target associate – December 2019. Applicant was reported to have said to the Background Interviewer that when Applicant was 18 years old, he was fired from his employment for stealing various items from the store.

### **Basis #3**

#### **[IV.D.]Disqualification Based on Prior Employment History<sup>5</sup>**

1. [Police officers are required to work well with other officers, public officials, and members of the public, as well as maintain a professional work ethic. Further, a police officer's ability and willingness to obey orders is 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.]<sup>6</sup> 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 her or his work to acceptable standards; and come to work on time and on a regular basis.
2. A poor employment history [may]<sup>7</sup> 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

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<sup>5</sup> Section IV.D. of OPSA Special Order 21-01.

<sup>6</sup> The OPSA Background Investigation Summary omitted the first two sentences of Item 1 when listing the disqualification standards.

<sup>7</sup> The OPSA Background Investigation Summary incorrectly stated "will" rather than "may".

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 of short duration, may be found unsuitable for employment.

OPSA cited the following conduct, in summary:

Stealing items from the store while employed there, as cited in Basis #2 above.

For reference, Applicant submitted his Personal History Questionnaire ("PHQ") January 5, 2024. Applicant was born in June 2001.

(Disqualification Decision).

### **Appeal**

The following is a summary.

Applicant wrote that he takes responsibility for his past "mistakes, including drug use, the occasional action of selling leftover substances, and the incident of theft during my teenage years." Applicant went on to explain what he described as the difficult circumstances in his life when he was 16, including the death of a friend, a church pastor and his aunt's diagnosis of breast cancer; that these things overwhelmed him, and he made poor decisions. He explained these experiences taught him humility, accountability and resilience, empathy, better judgment and thereafter he sought to live life with integrity and purpose, finding strength in his faith and serving in his church community since 2013. Applicant noted he is in his final semester to obtain his bachelor's degree and is a member of the National Society of Leadership and Success ("NSLS"). Applicant argued this demonstrates his commitment to growth, responsibility and the values necessary for a successful career in law enforcement. He also noted that he is able to connect with people of diverse backgrounds and is dedicated to upholding integrity, respect and

fairness in serving the community. Applicant attached a letter of support from the NSLS, but which did not address the specific incidents of conduct alleged (Applicant Exh. 1) and his academic standing (Applicant Exh. 2).

(Appeal and attachments).

### **Response**

OPSA iterated the bases for disqualification and the undisputed conduct, noting that Applicants' explanations and qualifications does not negate the conduct, that each incident would serve as a basis for disqualification, and also noting its right to disqualify pursuant to Illinois caselaw. "The applicant's history is extremely troubling," per the Response.

(Response).

### **Findings of Fact**

The Appeal was timely filed.

Pursuant to Police Board Rule of Procedure VII.B, any facts, evidence, or arguments omitted from Applicant's Appeal are deemed waived.

Pursuant to Police Board Rule of Procedure VII.E, if the Department elects to not file a Response, it is deemed to stand on the bases for disqualification and evidence in support thereof already of record.

Pursuant to Police Board Rule of Procedure VII.E, any facts, evidence, or arguments omitted from the Department's Notice and Response are deemed waive.

Pursuant to Police Board Rule of Procedure VII.F, Applicant's Reply may not include new facts, evidence, or arguments.

The alleged conduct occurred. Applicant did not deny the conduct. Applicant through explained he had changed his ways and has not engaged in the conduct alleged since the times it

occurred and that it was during a difficult time in his life when he was 15-18 years old. While his change in lifestyle and conduct seems sincere, it does not negate the conduct. As of the date of this recommendation, Applicant is 23 years old.

Stealing items from the store is considered to be a misdemeanor, and it occurred more than three years from the date of PHQ submission.

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.

### **Conclusions of Law**

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.

Because a single incident of Criminal Conduct – Conduct Indicating Dishonesty occurred more than three years from the date of the PHQ submission, it is not disqualifying under Criminal Conduct – Conduct Indicating Dishonesty as cited by OPSA. It does, however, show disqualifying conduct under Prior Employment.

Based on the conduct and bases alleged and the evidence presented, Applicant failed to 1) specify why the Department of Police erred in the factual determinations underlying the disqualification decision *and/or* 2) bring to the Police 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 for the reasons stated herein.

**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/ LAURA PARRY  
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 8 in favor (Kyle Cooper, Claudia Badillo, Steven Block, Tyler Hall, Kathryn Liss, Arlette Porter, 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, Arlette Porter, Andreas Safakas, and Cynthia Velazquez.

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

Attested by:

/s/ KYLE COOPER  
President

/s/ MAX A. CAPRONI  
Executive Director