

**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 68</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 October 23, 2024, and sent to Applicant via email on October 24, 2024, 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 December 10, 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 23, 2025, 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 Eligibility List for the following reasons:

#### **Basis #1**

##### **Disqualification Based on Criminal Conduct<sup>1</sup>**

#### **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 or fraud.
- (2) Any conduct demonstrating a reputation or propensity for dishonesty may be grounds for disqualification....

OPSA cited the following conduct:

“The candidate listed his discharge as honorable on his PHQ...The candidate was asked on his personal history questionnaire about his discharge from the military, he listed his discharge as General (Under Honorable). On the Kentech<sup>2</sup> report it list his discharge as less than honorable when questioned about it he replied, that he was given a general discharge under honorable conditions, however when he questioned further about the DD-214<sup>3</sup> during his interview with Kentech investigator Engel he remarked that he received discharge under general under honorable conditions but when asked why it stated misconduct (serious offense) the candidate did not provide an explanation per kentech report. When R/I questioned the candidate he once again said it was under general being honorable, however when I told him what I reviewed the Kenneth report that it was different than what is indicated on his PHQ<sup>4</sup> he remarked that he was in the process of having that removed from his DD-214 because it was not factual and he did not receive any discipline for the incident. On the form that R/I received initially the separation

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

<sup>2</sup> Kentech is a company used by OPSA to conduct CPD applicants’ background investigations.

<sup>3</sup> A “DD-214” is a document that certifies a U.S. military armed services member’s discharge.

<sup>4</sup> A “PHQ” is a CPD applicant’s Personal History Questionnaire.

code was cut off. When R/I asked about him returning back to the military and his status is a number 3, he said that he could return that all he would have to do is receive permission. All copies that were provided to Investigative Unit for review were either shaded out in the area of reason for separation or was totally left of the copy all together.” [sic]

**Basis #2**

**Disqualification Based on Criminal Conduct<sup>5</sup>**

**7. Other Criminal Conduct**

**f. Conduct Concerning Sexual Misconduct**

Preventing officer-involved sexual misconduct and related abuses of power is of the utmost importance to the Chicago Police Department and is necessary to ensure public trust in the police and maintain a safe, healthy, and productive work environment.<sup>6</sup> Accordingly, any applicant ...found by a former employer, educational institution, or government agency, to have committed an act of sexual harassment or misconduct may be found unsuitable for employment, depending on the nature of the incident(s) and the severity of the conduct. Any applicant previously disciplined for, or resigned in lieu of discipline, an act of sexual harassment or misconduct may be found unsuitable for employment, depending on the nature of the incident(s) and the severity of the conduct.

OPSA cited the following conduct, in summary: While Applicant was enlisted in the United States Army, a female soldier filed a “complaint of sexual harassment” against him.<sup>7</sup> A military report contained in Applicant’s file shows she alleged that in early 2021, while in her barracks, Applicant “attempted to kiss her and then pinned her down on the bed and put his hands under her shorts.”<sup>8</sup>

**Basis #3**

**Disqualification Based on Prior Military History<sup>9</sup>**

Police officers are required to follow workplace rules and obey orders in a high-pressure and often dangerous environment. An applicant who has received a Dishonorable Discharge or Bad Conduct Discharge from the United States Armed Forces or the National Guard or State Militia has demonstrated his or her inability

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

<sup>6</sup> OPSA’s Background Investigation Report omitted this sentence when listing the disqualification standard.

<sup>7</sup> Kentech’s Investigative Report lists the alleged misconduct as “Abusive Sexual Contact.”

<sup>8</sup> Unclassified Law Enforcement Report – Final (C)7. Report Summary

<sup>9</sup> Section IV.E. of OPSA Special Order 21-01

to work in such a setting and therefore will be found unsuitable for employment. An applicant who has received a discharge with other characterizations may be found unsuitable for employment based on the nature of the underlying offense.

OPSA cited the following conduct, in summary: Applicant reported that he received a General (under honorable) discharge from the Army, with a Separation Code indicating “Misconduct, Commission of a Serious Offense.”

**Basis #4**

Disqualification Based on Prior Employment History<sup>10</sup>

Chicago Police Department (CPD) Rule Violations

**Rule 1**

Violation of any law or ordinance

OPSA cited the same conduct alleged in Basis #2 above (sexual misconduct).

**Rule 2**

Any action or conduct which impedes the Department’s efforts to implement its policy or accomplish its goals

OPSA cited the same conduct alleged in Basis #2 (alleged sexual misconduct).

**Rule 3**

Any failure to promote the Department’s efforts to implement its policy or accomplish its goals

OPSA cited the same conduct alleged in Basis #2 (alleged sexual misconduct)

**Rule 6**

Disobedience of an order or directive, whether written or oral

OPSA cited the following conduct, in summary: While in the military, Applicant was working in the Army base mess hall kitchen when a Sergeant told him he was wearing his uniform inappropriately. Applicant and the Sergeant engaged in a heated verbal exchange and

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<sup>10</sup> Section IV.D. of OPSA Special Order 21-01. OPSA’s Background Investigation Report cited this section but did not include its provisions. Section IV.D.3 of Special Order 21-01 states, “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.”

Applicant walked away muttering. The Sergeant reported he felt threatened when Applicant then picked up a knife to continue Applicant's kitchen work. Applicant later apologized to the Sergeant. OPSA notes that no discipline was initiated for the incident.

**Rule 10**

Inattention to Duty

OPSA cited to the same conduct as alleged for the Rule 6 violation.

**Filings by the Parties**

**Appeal Summary**

Pertaining to Basis #1, #3, and #4, (Conduct Indicating Dishonesty, Disqualification Based on Military/Prior Employment History, and violation of various CPD Rules), Applicant states that his discharge was General (Under Honorable Conditions), "the 2<sup>nd</sup> best one you can get after Honorable," and that "no disciplinary action, loss of rank, or pay deduction, was initiated."

Pertaining to Basis #2 (Conduct Concerning Sexual Misconduct), Applicant maintains that his sexual encounter with the complainant was not only consensual but that she was the sexual aggressor. He provided the following version of the incident to the OPSA investigator, in summary:

Applicant worked with the complainant in the mess hall kitchen. On one occasion, after completing their work assignment, she invited him to her dorm room. When they arrived there, she changed into a tube top and "short shorts" and he noticed she had a stripper pole in her room. She told him she was having trouble with her boyfriend and was looking for a friend to talk to. After a brief conversation, she jumped up and wrapped her legs around Applicant's waist while placing her arms around his shoulders, and they began to kiss. She never told him she didn't

want him to kiss her. He wrapped his arms around her shoulders and she told him that she was having her period. After hearing she was on her menstrual cycle, he decided to leave. As he was about to leave, she asked him if they could be anything more than just acquaintances and he told her, 'No.' Applicant never touched her buttocks or the upper portion of her legs, nor did he ever reach inside of her shorts to touch her vagina. He did nothing more than kiss her and touch her shoulder area. While in her barracks, her boyfriend kept calling her cell phone and she did not answer. The following day, she filed a complaint against Applicant and was then transferred to a different base.

Applicant alleges that the complainant falsely accused him of sexual misconduct for several reasons – because she was angry that he refused to have sexual intercourse with her, so that her boyfriend would not accuse her of cheating, and to use Applicant as a scapegoat so that the Army would transfer her to a base closer to her home, where she wanted her boyfriend to impregnate her.

Applicant contends that the Army failed him by not conducting a thorough investigation into her false allegations. He admits that he put himself in that situation but that he is an innocent man who wants to make his children proud of him. He humbly asks for a second chance to become a police officer to make a difference in other peoples' lives.

### **Response Summary**

OPSA's Response avers that OPSA (often referred to as "the Department") reviewed Applicant's<sup>11</sup> appeal request and refers to and relies on the facts and evidence relating to the disqualification contained in Applicant's file. OPSA maintains that the pre-employment

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<sup>11</sup> Although the Subject section of OPSA's Response correctly lists Applicant's name, the body of OPSA's response refers to Applicant by the incorrect name, "Joel Rivera." Since the particular disqualification standards and facts in the Response apply to Applicant's disqualification, I will assume that the inclusion of Joel Rivera's name results from a cutting and pasting error.

standards and CPD Rule violations upon which Applicant's disqualification were based are clear as delineated in the Background Investigation Update.<sup>12</sup>

Specifically, as to Basis #1, OPSA contends that Applicant's dishonesty regarding his military discharge is "extremely troubling" as he gave "extremely evasive answers" to Kentech, and provided copies of his military discharge records "in which the character of his conduct was obscured purposely." OPSA further alleges that to date, Applicant refuses to provide an unaltered copy or an official copy of his DD-214, and that this alone is grounds for disqualification. OPSA argues that Applicant, "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.'"

OPSA contends that the evidence in Applicant's file supports its decision to disqualify Applicant from hiring, and the Department 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 concludes that additionally, "Applicant's past actions revealed that had he been in [the Department's] 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**

The Appeal and Response were timely filed. Applicant's Appeal was filed no later than 60 calendar days from the date on the Notice, as required by Section 2-84-035(b) of the Municipal Code of Chicago. OPSA's Response was filed within 45 days of receipt of a copy of the Appeal, as required by Police Board Rule VII.E.

### **Basis #1: Disqualification Based on Criminal Conduct -- Conduct Indicating Dishonesty**

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<sup>12</sup>OPSA's Response continually refers to a "Background Investigation Update." There is no investigation update in Applicant's file.

The documentation in Applicant's file shows that he served in the Army from January, 2019 through March, 2022. He received a General Discharge (under honorable conditions), his Separation Code was JKQ<sup>13</sup>, and his Re-enlistment Code was 3.<sup>14</sup>

A "General Discharge under Honorable Conditions)" is one category below "Honorable Discharge." It is typically issued when most of a soldier's service is acceptable but a problem or problems occurred. Often, the misconduct is not serious enough to amount to a criminal offense in the civilian world. A General Discharge is less punitive than a discharge known as "Other Than Honorable," in which a soldier committed misconduct that could be considered a misdemeanor in the civilian world, a "Bad Conduct Discharge," which is a discharge that can be imposed as a punishment by a military court-martial for serious offenses following findings of guilt, or a Dishonorable Discharge, which is given as punishment for a serious offense, usually when a soldier commits a felony-level offense.<sup>15</sup>

The military Separation Code JKQ indicates, "misconduct, the commission of a serious offense."<sup>16</sup>

A military Re-enlistment Code of 3 means that a service member may be eligible to reenlist in the military, but may need a waiver to do so, due to past performance or circumstances during their service.<sup>17</sup>

On Page 1 of OPSA's Background Investigation Report, OPSA incorrectly alleges "the candidate listed his discharge as honorable on his PHQ." The PHQ in Applicant's file proves this

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<sup>13</sup> OPSA's Background Investigation Report erroneously states that Applicant's Separation Code was "JFK." His file clearly shows that his Separation Code was JKQ.

<sup>14</sup> Applicant's discharge category, Separation Code, and Re-enlistment Code are clearly shown on Applicant's DD-214 form.

<sup>15</sup> Military.com and LawForVeterans.org

<sup>16</sup> Veteran.com

<sup>17</sup> Veteran.com

untrue – On his PHQ, Q23, Applicant lists his discharge as “General (under honorable).”

Documents in Applicant’s file likewise do not illustrate do not illustrate conduct indicating dishonesty. The documents show that Applicant was interviewed twice after submitting his PHQ on May 6, 2024. The first interview was conducted by the Kentech background investigator on June 2, 2024 (at which time he made several amendments to his PHQ), and the second by OPSA investigators on July 17, 2024. As on his PHQ, during both interviews, he accurately reported that he received a ‘General (Under Honorable)’ discharge from the United States Military. The file does not indicate that Applicant gave any inconsistent answers pertaining to his discharge category.

His answers were slightly inconsistent pertaining to his Separation and Re-enlistment Codes. Initially, when he submitted his PHQ, he reported that he could not remember his Separation Code, and erroneously marked “None” for his Re-enlistment Code. But on June 2, 2024, when interviewed by the Kentech investigator about his discharge, Applicant orally, and accurately, amended those answers and provided the correct Separation and Re-enlistment Codes. In his report, the Kentech investigator points out that on Applicant’s PHQ, Applicant reported that ‘a girl got mad at him because he did not want a relationship with him’ and that during his Kentech interview he provided further details about the incident and denied he engaged in any inappropriate behavior.<sup>18</sup>

During OPSA’s interview, the OPSA investigator informed Applicant that there had been a finding of “probable cause” “for one of two alleged incidents that occurred while Applicant was in the Army” but never clarified which incident or gave any further information regarding the alleged finding. However, the military reports in Applicant’s file refutes the investigator’s

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<sup>18</sup> Kentech’s Background Investigation Report, page 10.

contention – the finding of probable cause was purely for evidence collection purposes, and was “not a prosecutorial decision.”<sup>19</sup> In fact, in the Army report pertaining to the investigation, a commander checked the “No” boxes, indicating his “Decision” regarding the Abusive Sexual Contact Offenses.<sup>20</sup> The contents of Applicant’s file confirm that other than his imperfect discharge category, and his Separation and Re-enlistment Codes which indicate he engaged in misconduct, there were no actual adverse findings against Applicant.

## **Basis #2: Disqualification Based on Criminal Conduct**

### **Conduct Concerning Sexual Misconduct**

The Applicant’s file shows that a female soldier reported that Applicant engaged in improper sexual contact with her. After reporting the incident, she refused to participate in the investigation or provide any details pertaining to the allegation. Applicant contends that the contact was consensual. The OPSA investigator notes he was unable to contact the complainant since her name was redacted in the report.

The OPSA investigator interviewed Applicant and Applicant provided substantially the same version of the incident as set forth above in his Appeal.

Applicant did not receive any discipline for the incident or receive any loss of rank or pay. There are no documents in Applicant’s file that provide corroborative facts to support the female complainant’s allegation..

## **Basis #3: Disqualification Based on Prior Employment History/Military History**

As stated previously, Applicant’s military documentation shows that he received a General Discharge under Honorable Conditions, his Separation Code was JKQ, and his Re-

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<sup>19</sup> Law Enforcement Report -Final, page 2.

<sup>20</sup> Commander’s Report of Disciplinary or Administrative Action page 1 of 7.

Enlistment Code was 3.

A “General Discharge (under honorable conditions)” is *not* the same as a discharge known as “Other Than Honorable in which a soldier committed misconduct that could be considered a misdemeanor in the civilian world, a “Bad Conduct Discharge” which is a punitive discharge that can be imposed as a punishment by a military court-martial for serious offenses following findings of guilt, or a Dishonorable Discharge which is given as punishment for a serious offense, usually when a soldier commits a felon-level offense.

The military Separation Code JKQ indicates “misconduct - the commission of a serious offense.” As noted above, although Applicant’s records show that the military found probable cause for the purpose of evidence collection, there is no documentation indicating a finding of probable cause pertaining to a particular act of misconduct aside from his discharge Separation Code.

**Basis #4: Chicago Police Department Rules and Regulations- Alleged Violations**

OPSA alleged that Applicant would have violated the following CPD Rules had he engaged in the alleged conduct while a Department member:

**Rule 1:** Violation of any law or Ordinance

**Rule 2:** Any action or conduct which impedes the Department’s efforts to implement its policy or accomplish its goals

**Rule 3:** Any failure to promote the Department’s efforts to implement its policy or accomplish its goals

Had the facts alleged in OPSA’s Report pertaining to Basis #2 (detailed above) been provable, may have constituted violations of CPD Rules 1,2, and 3.

**Rule 6:** Disobedience of an order or directive, whether written or oral

**Rule 10:** Inattention to Duty

Applicant’s file does not set forth facts showing how Applicant would have violated

Rules 6 and 10, had he engaged in the heated verbal exchange with the sergeant and had the sergeant felt threatened when Applicant picked up the knife to continue Applicant's kitchen work. There are no facts alleged regarding any specific "orders or directives" nor facts alleged showing how such conduct would amount to inattention to duty. The file shows that Applicant apologized to the sergeant for the incident and that no discipline was initiated.

### **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.

Police Board Rule of Procedure VII.E. provides that any facts, evidence, or arguments omitted from the Department's Notice and Response are deemed waived. Pursuant to Police Board Rule of Procedure VII.B, any facts, evidence, or arguments omitted from Applicant's Appeal are deemed waived.

OPSA determined that Applicant's conduct constituted disqualification and articulated the Standards and CPD Rule violations by which the conduct was assessed by section and paragraph. Although OPSA failed to provide sufficient facts underlying several bases for its decision to disqualify Applicant and remove him from the Eligibility List, articulation of the Standards and Rule violations gave reasonable notice to Applicant as to the basis for the disqualifications.

### **Basis #1: Disqualification Based on Criminal Conduct- Conduct Indicating Dishonesty**

OPSA accuses Applicant of conduct demonstrating dishonesty, and conduct demonstrating a reputation or propensity for dishonesty, for inaccurately reporting his military

discharge category in his PHQ and to Kentech, as well as intentionally failing to provide OPSA's Investigative Unit with unredacted, complete, military records. OPSA claims that Applicant's "dishonesty regarding his military discharge is extremely troubling as he gave extremely evasive answers to Kentech, and he provided copies in which the character of his conduct was obscured purposely." OPSA adds, "to date, the candidate refuses to provide an unaltered copy or an official copy of his DD-214, and that this alone is grounds for disqualification."

As noted above, the evidence shows that Applicant erroneously reported his Re-Enlistment Code in his PHQ as "None" but later corrected that error during his June, 2024 Kentech interview by accurately reporting his Separation Code as JKQ (misconduct, commission of a serious offense) and his Re-Enlistment Code as 3 (able to re-enlist with a waiver). The Kentech Report shows that in both the PHQ and his Kentech interview, Applicant, in fact, did report the allegation made against him by the female complainant. OPSA does not accurately point to any "evasive answers" given by Applicant. His answers pertaining to his discharge were accurate and consistent throughout the investigation and in his Appeal.

In addition, OPSA fails to support its contention that Applicant gave evasive answers, intentionally failed to furnish OPSA with an "unaltered" or "official" copy of his discharge papers, or "purposely" obscured portions of the documents he furnished. The documents in Applicant's file contain what appears to be official redactions made by the military and certain findings can be read under shaded areas. OPSA has offered no proof that Applicant refused to furnish clearer, more complete, or unredacted documents or even that he could have obtained them from the military if requested.

Applicant's pre-employment investigation does not show "the applicant has a reputation or propensity for dishonesty," that invokes disqualification based on Standard IV.B.7(b).

Applicant has shown by a preponderance of the evidence that the decision to remove him from the Eligibility List pursuant to Basis #1 was erroneous.

**Basis #2: Disqualification Based on Criminal Conduct**

Standard IV.B.7(f) provides that any applicant *found* by a former employer... or government agency, to have committed an act of sexual harassment or misconduct may be found unsuitable for employment. It also provides, “Any applicant previously disciplined for, or resigned in lieu of discipline, an act or sexual harassment or misconduct may be found unsuitable for employment, depending on the nature of the incident(s) and the severity of the conduct.”

The Applicant’s file does not contain any such specific finding against Applicant by Army superiors. The military’s Law Enforcement Report in the file shows no evidence to corroborate her claim and Applicant was not “disciplined for,” nor did he “resign in lieu of discipline” as a result of the complainant’s allegation.

Applicant met his burden of showing, by a preponderance of evidence, that OPSA’s decision to remove him from the Eligibility List based on Standard IV.B.7(f) was erroneous.

**Basis #3: Disqualification Based on Prior Employment History/Military History**

Standard IV.E. provides that applicant who has received a Dishonorable Discharge or Bad Conduct Discharge from the United States Armed Forces will be found unsuitable for employment. Applicant receive a General (under honorable) discharge, not a Dishonorable or Bad Conduct Discharge.

Standard IV.E. also provides that an applicant who has received a discharge *with other characterizations* may be found unsuitable for employment based on the nature of the *underlying offense*. Applicant’s Separation Code JKQ indicating “Misconduct, Commission of a Serious Offense,” arguably constitutes “other characterizations.” However, as explained above, there is

no evidence in the file that Applicant was found to have committed an “underlying offense.”  
Applicant informed OPSA that he is in the process of challenging his separation designation.

Applicant met his burden of showing, by a preponderance of evidence, that OPSA’s decision to remove him from the Eligibility List based on Standard IV.D and E was erroneous.

**Basis #4: Chicago Police Department Rules and Regulations- Alleged Violations**<sup>21</sup>

**Rule 1: Violation of any law or Ordinance**

**Rule 2: Any action or conduct which impedes the Department’s efforts to implement its policy or accomplish its goals**

**Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals**

To support its allegation that Applicant’s conduct would have violated CPD Rules 1,2, and 3, OPSA repeats the exact factual basis it uses to support its argument for disqualification pertaining to Basis #2 (sexual misconduct). As discussed above, neither the Army nor OPSA issued a finding that Applicant engaged in sexual misconduct. There was no evidence to corroborate the uncooperative complainant’s claim and Applicant was not disciplined as a result of any misconduct allegations. Applicant’s Separation Code of JKQ does not, in itself, show that if he had been a police officer, Applicant would have violated Rules 1,2, or 3. Applicant therefore met his burden of showing, by a preponderance of evidence, that OPSA’s decision to remove him from the Eligibility List based on CPD Rule 1, 2, and 3, was erroneous.

**Rule 6: Disobedience of an order or directive, whether written or oral**

**Rule 10: Inattention to Duty**

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<sup>21</sup> Although not specifically cited by OPSA, Section IV.D.3 of Special Order 21-01 states, “Further, an applicant who, during previous employment, has engaged in any conduct that would have violated the Chicago Police Department’s Rules and Regulation had the applicant been a Chicago Police Department employee, may be found unsuitable for employment.”

OPSA's Report cites to the altercation between Applicant and the sergeant to contend that Applicant would have violated Rules 6 and 10 had he been employed as a police officer. Pertaining to Rule 6, OPSA fails to point to any orders or directives that Applicant would have violated. In fact, in their report, OPSA volunteers that Applicant later apologized to the sergeant and that "no discipline was initiated for the incident." Likewise, OPSA fails to allege how Applicant's conduct would amount to a finding of "Inattention to duty" in violation of Rule 10.

Although Applicant did not challenge these finding in his Appeal, OPSA's Notice and Response fail to contain facts, evidence, or argument in support of the Department's position, as required by Police Board Rules VII.A and E. OPSA's decision to remove Applicant from the Eligibility List based on violations of CPD Rules 6 and 10 were 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 **REVERSED**.

Respectfully submitted,

/s/LAUREN A. FREEMAN  
Appeals Officer

Date: March 13, 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 6 in favor (Kyle Cooper, Claudia Badillo, Steven Block, Tyler Hall, Arlette Porter, and Andreas Safakas) to 2 opposed (Kathryn Liss and Cynthia Velazquez).

**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 reversed and he is reinstated to the Eligibility List.

This decision and order are entered by a majority of the members of the Police Board: Kyle Cooper, Claudia Badillo, Steven Block, Tyler Hall, Arlette Porter, and Andreas Safakas.

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