

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)	
[NAME REDACTED],)	No. 25 AA 01
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 Chicago Police Department (“CPD”). 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 January 13, 2025, 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 February 25, 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 Conduct¹

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 following conduct, in summary:

As a juvenile, Applicant was arrested for Assault, Criminal Trespass to Vehicle, and Aggravated Battery, and named as a suspect for committing misdemeanor Battery.

Basis #2

Disqualification Based on Prior Employment History²

1. Police officers are required to work well with other officers, public officials, and

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

² Section IV.D. of OPSA Special Order 21-01.

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. 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 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 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.

CPD Rule Violations:

Rule 5: Failure to perform any duty

Rule 24: Failure to follow medical roll procedures

Rule 28: Being absent from duty without proper authorization

Rule 29: Failure to be prompt for duty assignment, including roll call and court Appearance

OPSA cited the following conduct, in summary:

On April 23, 2021, Applicant resigned as a Cook County correctional officer before his termination case alleging unauthorized absences (Case # OPR2016-0359) was heard by the Cook County Merit Board. He had been disciplined twice previously – first, in Case # DAF2019-0647 for Unexcused or Unauthorized Absence or Tardiness on Scheduled Day of Work, and then in Case # DAF2020-3766 for Failure to Perform Assigned Task.

After leaving Cook County, Applicant obtained employment as a correctional officer in Orange County, Florida, where he was discharged during his probationary period for tardiness and absences without permission.

Applicant then returned to Illinois to work as a truck driver for Schneider National but was terminated from that position in June 2023 for “paycheck and mileage shortages.”

OPSA contends that Applicant’s conduct while working for his three prior employers would have violated CPD Rules 5, 24, 28, and 29, had he been employed by the City of Chicago.

Appeal Summary

Applicant’s Appeal highlights his extensive experience and training while working as a correctional officer in both Illinois and Florida and maintains that the skills he learned, and certifications he earned, have helped him become a dependable employee as well as a better husband and father. In 2021, he went back to school and intends to obtain his Bachelor’s Degree to make himself more marketable for a career in law enforcement. He states that through pain, suffering, failure, rejection, risk and denial, he has transformed himself, and is working hard to grow and change into a better person. He asks the Board not to hold his past against him and to restore his eligibility so he can continue his overall growth by serving as a Chicago police officer (“CPO”).

Basis #1: Disqualification Based on Criminal Conduct (Conduct Indicating Violent Tendencies)

Applicant addresses Basis #1 as follows:

He has never denied having a juvenile record but this record is now eligible for expungement based on a 2024 amendment to the Juvenile Court Act. The Director of the Illinois Department of Juvenile Justice has stated that the amendment ‘recognizes that young people may make mistakes on their path to adulthood, but should not have long-term detrimental consequences as a result.’

Applicant disagrees with the OPSA’s background investigator’s conclusion that he has

violent tendencies. He currently works as a security officer at a high school where the students and staff can attest to his calm and caring demeanor.

He has never been arrested as an adult and refers to the four letters of recommendation attached to his Appeal (described below).

Basis #2: Disqualification Based on Employment History

Applicant addresses Basis #2 as follows:

Cook County Sheriff's Office Correctional Officer

Applicant's seven-year-long position as a Cook County correctional officer was very rewarding. Pertaining to his disciplinary cases, he offers the below explanations:

1) Case No. OPR2016-0359

In July, 2015, "life happened" when his wife gave birth to their son. They already had a two-year-old daughter and his wife experienced postpartum depression. He missed many days of work to care for her and his family. His attendance "caused a problem in the operation, [he] broke policy by being absent and [he takes] full responsibility for that." He signed up with the Employment Assistance Program and did all that was required. He never heard from the Merit Board about his case and attributes their inaction to the Board's legal challenges resulting from improper personnel appointments and alleged biases. In addition, his union mismanaged and mishandled his file. He was never suspended, fired, or offered the opportunity to sign a contract to correct the mistakes he made, or to successfully serve an incident free probationary period to avoid termination. He takes "full responsibility for this but the Sheriff's office has to, as well, because many steps of the disciplinary process were not properly followed." In January, 2024, he was recertified as a correctional officer by the Merit Board (attached as an Appeal exhibit).

2) Case # DAF2020-3766

Although the Video Monitoring Unit wrote him up for failing to pass out masks to the inmates at 0636 hours, video surveillance footage from the jail would prove him innocent. The footage would show that he passed them out 10-15 minutes earlier. His shift commander at the time verified that he passed out the masks and that he should never have been written up. Applicant submitted a FOIA request to obtain the video footage but the Legal Department is unable to locate it. The Legal Department is therefore unable to prove he was guilty and he is unable to prove his innocence.

3) Case # DAF2019-0647,

Applicant admits that he was 16 minutes late for roll call. It was an exhausting year with mandatory 16-hour shifts every day of his assigned work week. He worked in the Residential Treatment Unit Building where he dealt with psych inmates, inmates who were detoxing, and many problematic inmates who sometimes used medical equipment to attack officers.

Orange County Correctional Officer

When Applicant began Field Training Officer training, he realized he was not being paid enough to support his family and had made a mistake by moving to Florida. He “needed to make a decision and a fast one in order to make sure [his] family was going to be good.” He resigned from the agency and pursued his commercial driver’s license to make more money. On September 17, 2021, he sent an email to his supervisors notifying them of his resignation and that he would not be returning to work (the emails are attached to his Appeal as an exhibit). He officially resigned on September 21, 2021, and turned in his uniform and credentials. From September 17, 2021, until October 30, 2021, he was not taking a leave of absence -- the Orange County HR Department failed to process his resignation so their system mistakenly showed that he had unauthorized absences and unscheduled leave.

He also attached emails to his Appeal that prove that on September 9 and 10, 2021, he was absent from work because he was sick, and tested himself for Covid-19, as directed by a supervisor.

Schneider National (truck driver)

Applicant was never terminated by Schnieder and he attached copies of his work file to his Appeal as proof. He was paid 54 cents/mile and in order to make money, he needed to leave the state to deliver freight. However, out-of-state deliveries were rare so he was stuck working local routes around the Chicago area, making \$42.00 for working a 14-hour day. He felt that Schneider was taking advantage of him, and other drivers as well. After numerous fruitless conversations with management about his pay, he and his manager agreed that they should go their separate ways. Applicant attached check stubs to his Appeal to prove how little money he made while working long hours.

Letters of Recommendation Attached to Appeal

Applicant attached four recommendation letters to his Appeal. The first is from a former supervisor, [Name redacted].³ Lieutenant [Name redacted] states she supervised Applicant for a two-year period and found him to be “trustworthy, firm, fair, and consistent.” He was her “go to person,” and “a valuable asset to the team.” She acknowledges he encountered life-changing events that affected his earlier career attendance but she believes he has made strides to correct those issues and would be a valuable asset to CPD.

The second letter was written by [Name redacted] a Project Manager for the U.S. Army Corps of Engineers. Mr. [Name redacted] has known Applicant for over 20 years and states that among other admiral qualities, Applicant has “an exceptional work ethic,” is “incredibly

³ In her letter, Lieutenant [Name redacted] does not state which Agency she works for.

punctual,” and is “on time for appointments, meetings, and deadlines.”

The final two-character letters were written by employees at John Hancock College Preparatory High School where Applicant worked as a security officer. [Name redacted], the former School Operations Manager, describes Applicant as invaluable, vigilant, and dependable, speaks of his strong moral character, points out his valuable role fostering a safe and welcoming school environment, and says he offered kind and meaningful connections with students. [Name redacted], a College and Career Coach at the school, wrote similarly of Applicant’s attributes, commitment to the school community, and determination to become a CPO.

Response Summary

OPSA (often referred to as “the Department”) 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 Disqualification Decision. 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.

Specifically, as to Basis #2, OPSA asserts that before Applicant resigned from his job with Cook County, he had multiple instances involving unauthorized absences. He then took another law enforcement position as an Orange County correctional officer and was discharged for Tardiness and Absences Without Permission. After he left Orange County, he was terminated from Schneider National, after working approximately one month as a truck driver and has admitted that he barely showed up for work. Had Applicant engaged in the aforementioned

conduct while in the Department's employ, he would have violated CPD Rules 5, 24, 28, and 29, and each of those rule violations would serve by themselves as grounds for disqualification.

OPSA states that letters of recommendation are indeed important indicators of an officer's capability and achievements; however, such letters can be subjective and they do not mitigate the serious nature of the repeated history of Applicant's time and attendance issues. Additionally, OPSA believes that Applicant is attempting to downplay the frequency and severity of the complaints levied by the Cook County Sheriff's Department -- specifically, that he had accrued over 96 hours of unauthorized absences, which is more than a standard pay period of 80 hours -- which "constitutes the very serious and likely possibility of fraud, theft and or official misconduct." OPSA notes that Applicant resigned before he could be terminated and it is a fact that he was either dismissed or resigned based on time and attendance violations, from three different employers, under vastly different circumstances.

OPSA reasons that it is their responsibility to ensure that all officers maintain the highest standards of professional conduct and demonstrate consistent respect for the community they serve. Applicant's history demonstrates that he would not be able to fulfill CPD'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 Response were timely filed within 60 calendar days from the date on the notice, as required by Section 2-84-035(b) of the Municipal Code of Chicago.

Basis #1: Disqualification Based on Criminal Conduct (Conduct Indicating Violent Tendencies)

Applicant was nearly 33 years of age at the time he applied to CPD in 2024. OPSA's background investigation shows that he was arrested three times as a juvenile: At the age of 9, he

was arrested for Aggravated Battery for causing minor injuries to fellow students by poking/sticking them with a board-tack in the upper arm; At age 12-13, he was arrested for Criminal Trespass to Vehicle when caught riding as a passenger in a stolen vehicle with two adults; At age 15, he was arrested for Assault when allegedly told his teacher, “I will kick your ass and get my mother to kick your ass also.” OPSA’s Disqualification Decision does not contain any further information regarding the dispositions pertaining to the arrests, nor does it contain any further supporting evidence of guilt beyond bare allegations.

In addition, when he was 12 years-old, Applicant was named as a misdemeanor Battery suspect for fighting in school. Although he was not arrested for that offense, he and the other student involved in the fight were suspended from school for five days.

In his Appeal, Applicant admits that he made mistakes on his path to adulthood but points out he has never been arrested as an adult and does not have violent tendencies. Applicant attached four recommendation letters to his Appeal in which former co-workers attest to his non-violent character..

Basis #2: Disqualification Based on Prior Employment History

Cook County Sheriff’s Office Correctional Officer

Applicant worked as a Cook County correctional officer from April 21, 2014 until April 23, 2021. On August 24, 2016, the Sheriff’s Office of Professional Review (“OPR”) initiated Case # OPR2016-0359 against Applicant for Unauthorized Absences. Those charges were sustained. OPR found that Applicant accrued at least 13 incidents totaling 80 hours of unauthorized absences between June 25, 2016 and August 22, 2016. On April 23, 2021, Applicant resigned from his position before this termination case was heard by the Cook County Merit Board. Although in his Appeal, Applicant questions the legitimacy of the Merit Board and

the union that represented him, he takes “full responsibility” for breaking policy by missing many days of work to care for his wife and family, and acknowledges that his attendance caused problems. Most significantly, Applicant does not dispute OPSA’s allegation that he accrued at least 13 incidents totaling 80 hours of unauthorized absences between June 25, 2016 and August 22, 2016.

Before he resigned, Applicant was disciplined for two additional cases involving absences or tardiness. On February 21, 2019, Applicant received a Reprimand for the offense of Unexcused or Unauthorized Absence or Tardiness on Scheduled Day of Work, for showing up late to roll call on February 21, 2019 (Case # DAF2019-0647). In his Appeal, Applicant admits he was 16 minutes late for roll call that day. In November 2020, he received an additional 5-day suspension for the offense of Failure to Perform Assigned Task for failing to pass out masks to inmates on October 1, 2020 (Case# DAF2020-3766). While his Appeal does not indicate that he challenged OPR’s finding in 2020, he now denies his guilt and asserts that missing video footage from that day would prove him innocent.

Orange County Correctional Officer

After resigning from the Cook County Sheriff’s Office, Applicant moved to Florida where on May 3, 2021, he obtained employment as an Orange County correctional officer. Records show that while he had no disciplinary history there, he was discharged from his position on October 31, 2021, during his probationary period, for tardiness and absences without permission. Applicant’s Orange County attendance records furnish the following attendance details:

- Two unauthorized absences on September 18 and 19, 2021
- 22 days as either “Personal Leave Unscheduled CAS” for “Term Leave CAS” from June 1, 2021 until October 12, 2021
- Was either “Personal Leave CAS” or “Term Leave CAS” every day between

September 18, 2021 until October 12, 2021⁴

In his Appeal, Applicant asserts that he was not terminated from Orange County -- he resigned because he was not paid enough to provide for his family. He contends that on September 17, 2021, he sent an email to his supervisors notifying them that he was resigning but that he “officially” resigned on September 21, 2021. However, Applicant does not refute that his absences on September 17-20, 2021 were unauthorized, nor does he address the many unauthorized absences between June 1, 2021, and September 21, 2021. He only addresses his absences on September 9 and 10, maintaining that he was truly sick on those days (although notably, he does not contend that he was *authorized* to take those sick days).

Schneider National Truck Driver

Applicant returned to Chicago and worked as a truck driver from April 2023 until June 2023, when he was terminated by his employer for paycheck and mileage shortages. While Applicant maintains he was not terminated by the company and left voluntarily, he admits that he felt Schneider National was taking advantage of him so he barely showed up for work.

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 an Applicant shall have the burden of showing, by a preponderance of the evidence, that the decision to remove the Applicant from the Eligibility List was erroneous. An Applicant must

⁴ OPSCA’s report does not explain the meaning of “CAS,” nor does OPSCA explain whether either “Personal Leave CAS” or “Term Leave CAS” constitute unauthorized absences.

specify how the Department erred in its factual determinations underlying the disqualification decision, or bring to the Police Board's attention additional facts directly related to the reason(s) for disqualification.

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 also 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. Articulation of the Standards and Rule violations gave reasonable notice to Applicant as to the basis for his disqualifications.

Basis #1: Disqualification Based on Criminal Conduct (Conduct Indicating Violent Tendencies)

Under Section IV.B.7.c, "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... assault; battery; (and) aggravated battery." The Standard also provides that "an applicant who has engaged in any act falling within the scope of this section that constitutes a misdemeanor... more than one (1) time in his life, will be found unsuitable for employment."

As noted above, Applicant was nearly 33 years of age at the time he applied to CPD. The last incident cited by OPSA occurred when he was 15 years-old. OPSA's Disqualification Decision does not contain any further information regarding the dispositions pertaining to Applicant's juvenile arrests, nor does it contain any further supporting evidence of guilt for any

of the incidents for which he was arrested, beyond bare allegations.

While Applicant does not specifically allege that OPSA's findings pertaining to Basis #1 are erroneous, and he admits that he made mistakes on his path to adulthood. By noting his arrest-free adulthood, and by supporting his Appeal with character letters attesting to his peaceful nature, he successfully refutes OPSA's contention that he has "violent tendencies."

Conclusion: By bringing to the Police Board's attention "additional facts directly related to the reason(s) for disqualification," Applicant met his burden of showing, 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 Prior Employment History

Standard IV.D states, in part, "a steady employment history is an indication that, among other things, an applicant has the ability to... follow workplace rules... and come to work on time and on a regular basis." Thus, an applicant who during previous employment has been disciplined for "excessive absenteeism or tardiness, ... failed to follow regulations, ... engaged in any conduct that would have violated the CPD Rules and Regulations had the applicant been a CPD employee," or had "a history of sporadic employment evidenced by frequent changes in employment of short duration," may be found unsuitable for employment. OPSA alleged facts supporting each of those allegations.

All three of Applicant's prior employers disciplined Applicant for excessive absenteeism or tardiness. His attendance, tardiness, and failure to follow regulations while working for all three of his prior employers would have violated CPD Rules 24, 28 and 29, had he been a CPD

employee at that time.⁵

Applicant's work history also reflects "a history of sporadic employment evidenced by frequent changes in employment of short duration." After resigning from his position with the Cook County Sheriff on April 23, 2021, he worked as an Orange County Correctional Officer for only four or five months -- from May 3, 2021 until September (as Applicant claims) or October, 2021 (Orange County's recorded termination date). He then worked at Shaeffer International from April 2023 until June 2023. He now seeks employment with CPD -- which would constitute his fourth job in four years.

Conclusion: Applicant has not met his burden of showing, by a preponderance of the evidence, that the decision to remove him from the Eligibility List pursuant to Basis #2 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: April 10, 2025

⁵ OPSA did not set forth facts showing how Applicant's conduct during his prior employment would have violated CPD Rule 24 (Failure to follow medical roll procedure) had Applicant been a CPD employee.

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 (Claudia Badillo, Steven Block, Tyler Hall, Kathryn Liss, Arlette Porter, Andreas Safakas, Justin Terry, 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: Claudia Badillo, Steven Block, Tyler Hall, Kathryn Liss, Arlette Porter, Andreas Safakas, Justin Terry, and Cynthia Velazquez.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17th DAY OF APRIL 2025.

Attested by:

/s/ CLAUDIA BADILLO
Vice President

/s/ MAX A. CAPRONI
Executive Director