

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)	
[NAME REDACTED],)	No. 25 AA 02
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 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 27, 2025, OPSA filed a response to the Appeal (“Response”). Applicant did not file a Reply to the Response.

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

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.”

5. The Standards are as comprehensive as possible; however as noted above, they 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. (Disqualification Decision)

OPSA cited the following conduct, in summary:

Attempted Possession of Cannabis – July 2006. Police report listed Applicant as a Suspect without narrative. (Disqualification Decision, Case Incident Report).

Battery – Simple – August 2006. Police report listed Applicant as a Suspect without narrative. (Disqualification Decision, Case Incident Report).

Offense Involving Children – March 2013. According to the police report, Applicant refused to answer the door when her ex-boyfriend and father of her child arrived and despite him having a court order to visit the child. According to the police report provided by OPSA, the police also arrived at the scene and Applicant would still not answer the door, so they advised the father to file a police report. Police also noted the father complained that Applicant also did not allow visitation a few days earlier. (Disqualification Decision, Case Incident Report).

Offense Involving Children – November 2014. According to the police report, Applicant again refused to allow the father of her child to “pick up” their son, even though he had a court order for visitation. (Disqualification Decision, Case Incident Report).

Basis #2

IV.C. Disqualification Based on Driving Record³

1. Police officers are regularly required to operate motor vehicles in dangerous situations. They are thus required, to the extent reasonable, to operate vehicles in a careful manner protective of the public. Applicants with a poor driving history are deemed unable to meet this requirement. Further, applicants with more than one

³ Section IV.C. of OPSA Special Order 21-01.

DUI or reckless driving incident, regardless of the date of the incident, or any driving-related incidents which resulted in the suspension or revocation of a driver's license, may be found unsuitable for employment.⁴ (Disqualification Decision)

OPSA cited the following conduct, in summary:

Driving on a Suspended License/Uninsured Motor Vehicle – June 2014. Additionally, Applicant received a citation for Head/Tail/Sidelight (1st and 2nd offense). The case was voluntarily dismissed (nolle prosequi). (Disqualification Decision, Case Summary).

No Valid Registration (1st and 2nd offense), Failure to Display City Sticker – November 2017. The case was voluntarily dismissed by prosecutors (nolle prosequi). (Disqualification Decision, Case Incident Report).

Traffic Collision (Property Damage) – January 2019. Applicant's vehicle struck the back of another vehicle in traffic. By agreement of the parties, the case was dismissed, but the bond posted by Applicant was forfeited. (Disqualification Decision, Case Summary).

Driver's license suspension/guilty plea/Personal Injury – March 2020- October 2021. Applicant pleaded guilty to striking a pedestrian with her vehicle. Applicant's driver's license was suspended, and supervision and a fine were ordered. The fine was not paid in full as of the date of the Candidate Background Investigation Update (July 28, 2024) (\$330.20 outstanding). (Disqualification Decision, Case Summary).

Basis #3

IV.D. Disqualification Based on Prior Employment History⁵

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

⁴ The OPSA Background Investigation Summary incorrectly stated the disqualification standard from a special order that is no longer in effect because it was rescinded by OPSA Special Order 21-01.

⁵ Section IV.D. of OPSA Special Order 21-01.

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 may⁶ 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, excessive⁷ absenteeism or tardiness, or failure to follow regulations may⁸ 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. (Disqualification Decision)

OPSA cited the following conduct, in summary:

Applicant was discharged or terminated from three (3) positions of employment.

Community Care Center – July 2016- August 2017. Applicant stated to background interviewer that she was terminated after she was involved in a traffic collision while driving the company vehicle.

Community Support Agency – August 2018- April 2020. Applicant was reported to have told the home interviewer that she was terminated for not having four (4) hour interactions with assigned clients. Applicant failed to disclose this termination on her Personal History Questionnaire ("PHQ").

Case Manager – September 2023- January 2024. The background investigator reported that they verified Applicant's employment with a supervisor who related Applicant was positive

⁶ The OPSA Background Investigation Summary incorrectly stated "will" rather than "may."

⁷ The OPSA Background Investigation Summary omitted "excessive" in "excessive absenteeism."

⁸ The OPSA Background Investigation Summary incorrectly stated "will" rather than "may."

in nature, and that she left on good terms, but was terminated because she did not pass the required placement test for DCFS⁹.

Alleged Violation of CPD Rule 1: “Violation of any law or ordinance” and Rule 2: “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.” OPSA cited conduct in Bases #1 and #2 above regarding failing to yield to a pedestrian in a crosswalk leading to Applicant striking the victim with her vehicle; failure to have valid vehicle registration and City sticker; citations for driving on a suspended license, operating uninsured vehicle, missing head/tail/sidelight; refusing access to the father of her child for court ordered visitation; and battery. Additionally, OPSA cited an arrest for criminal trespass to land in August 2004 and a finding of guilty for February 2005 retail theft.

Alleged Violation of CPD Rule 5: “Failure to perform any duty.” Conduct alleged that led to Applicant’s termination from employment for failing to interact with assigned clients and failure to pass the required test for DCFS.

Basis #4

IV.F. Disqualification Based on Indebtedness¹⁰

1. Police officers are occasionally required to handle significant amounts of currency in the execution of their duties. Further, police officers with significant indebtedness are considered particularly susceptible to corruption and coercion. Therefore, any applicant who has current personal debts not related to a business, mortgage loans, student or auto loans, or medical bills the total of which is in excess of fifty percent (50%) of the annual starting salary of a Chicago Police Officer at the time of application, or at any point during the hiring process, will be found unsuitable for employment. Regardless of the source of the debt, an applicant who has defaulted on any loan or has an inconsistent payment pattern may be found unsuitable for employment.
2. Any applicant who owes a debt to the City of Chicago at any time during processing will be given a reasonable amount of time to clear those debts. Any applicant who owes a debt to the City of Chicago at the time of hire will be found unsuitable for

⁹ The Appeals Officer takes this to mean “Illinois Department of Children and Family Services.”

¹⁰ Section IV.G. of OPSA Special Order 21-01.

employment. (Disqualification Decision)

OPSA cited the following conduct, in summary:

Three evictions. Applicant was thrice ordered by the court to vacate the premises – in February 2014, March 2015 and May 2024.

Accounts Delinquent, in Collection and Charged Off. As of July 28, 2024, Applicant was \$180 past due on an account in which she reported to the investigator she was working on bringing current; another creditor charged off \$582, which Applicant was reported to tell the investigator she would start a payment plan; and two other accounts that were in collections for \$527 and \$323, respectively, which Applicant was said to have told the investigator she was disputing in order to remove the balances.

Debts Owed to City. As of July 2024, Applicant had 16 unpaid citations from the City of Chicago totaling \$657.61.

Basis #5

IV.G. Disqualification Based on Other Conduct¹¹

1. Police officers are required to show respect for authority, uphold the law, and defend the dignity and rights of the public. Therefore, any applicant who has engaged in conduct that exhibits a pattern of repeated abuse of authority; lack of respect for authority or law; lack of respect for the dignity and rights of others; or a combination of traits disclosed during the pre-employment investigation that would not by themselves lead to a finding that an applicant is unsuitable for employment, but when taken as a whole, exhibit that the applicant is not suited for employment as a police officer, will be found unsuitable for employment. (Disqualification Decision)

OPSA cited the following conduct, in summary:

Applicant's refusal to allow the father of her child court-ordered visits with the child,

¹¹ Section IV.H. of OPSA Special Order 21-01.

attempted possession of cannabis and battery arrests as described in Basis #1 above. OPSA also cited a cannabis possession arrest in 2006 (stricken with leave to reinstate); the retail theft conviction of February 2005 and arrest for criminal trespass to land (stricken with leave to reinstate) described in Basis #3 above.

Basis #6

V. [Disqualification Based on] Polygraph Examination¹²

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. Applicants may therefore be given a polygraph examination. The polygraph examination is used as a tool to elicit information and verify responses elicited during the application process and to verify information collected during the pre-employment investigation. [] Admissions made during a polygraph examination or an indication of deception, related to the department's employment standards¹³ along with other factors, may be used as a basis for disqualification. (Disqualification Decision)

OPSA cited the following conduct, in summary:

Applicant admitted in the polygraph exam to stealing jerseys from a retail store in 2004.

(Disqualification Decision).

Appeal

The following is a summary.

Applicant hand printed the 12-page Appeal letter. From what the Appeals Officer could read, Applicant stated that she did not lie during the application process, some of what OPSA wrote was not what she had said, and that she was not aware of some police reports until OPSA

¹² Section V of OPSA Special Order 21-01.

¹³ The OPSA Background Investigation Summary incorrectly stated the disqualification standard from a special order that is no longer in effect because it was rescinded by OPSA Special Order 21-01.

sent them to her. She also described her family challenges and that she had been in the wrong place at the wrong time and with the wrong people sometimes.

Refusing Visitation to Child's Father. Applicant gave details of her relationship and wrote that the child's father was abusive and controlling, and that they were in a custody battle. She claimed that when the father took the child, he would not tell her their whereabouts and that he would keep the child too long and that she would have to call the police to get him back. She wrote that she now has full custody of her son and that the father told her he would give a statement saying that he was not honest in his police reports against her. She did not deny preventing the father from seeing her child.

Striking Pedestrian with Vehicle. Applicant explained that she did not leave the scene, she followed the ambulance to the hospital to check on the victim and that she did yield to the pedestrian but that the incident was caused by the pedestrian stepping out in the street when Applicant already had the green light. She did not deny striking the pedestrian with her vehicle in the crosswalk.

Traffic Collision Causing Property Damage. Applicant wrote that an emergency vehicle needed to get through and everyone's vehicle was sliding on the ice as they tried to pull to the right and that her vehicle slid into the vehicle in front of her.

Eviction. One eviction was filed by a friend who she was renting from who became in debt on the building and in the meantime, Applicant lost her job and got behind in her rent. The friend wanted to sell the building before he lost it and that if Applicant did not leave right away, he would tell the police she was not paying her rent. She wrote that she did not know about the eviction proceeding until the day before court. She only addressed one eviction but did not deny the conduct that led to the eviction.

False Police Reports. Applicant alleged her father's former girlfriend was a drug addict and manipulative and would make up false reports about Applicant and Applicant's sister. Applicant stated that applied to the police reports regarding March 2013 and November 2014 refusal to allow visitation of her child by the child's father and the simple battery report of August 2006. Applicant wrote that her father said he would do anything he could to rectify the false allegations.

Cannabis. Applicant wrote that she was never charged but was taken into custody because she was with other people who were smoking it when she was on her break from work.

Driving on Suspended License in 2014. Applicant wrote that it was due to unpaid tickets, but that she was unaware her license had been suspended, and at the time she did not have money to pay the tickets and did not know payment plans were available.

Employment Terminations. Applicant wrote, "it was not about my character this was about productivity," and that she could not produce and bill the number of hours required and she did not want to falsify documents to show she had done so. As to failure to pass the required test at another job, Applicant wrote that she has proof the company still wanted to keep her even though she didn't pass the test, but that she had found another job. Finally, Applicant wrote that she was fired from the Community Care Center in retaliation for her cooperation with a public health audit, that she then filed a lawsuit, and the company settled it with her, which Applicant described as her "winning" the suit.

2005 Retail Theft. Applicant wrote that, "There is a[sic] arrest on my report from 2005 for theft this[sic] is something I gave great detail about and my words were nothing like this report."

Criminal Trespass to Property. Applicant claimed she was arrested "hanging out in front of my house," and that the arrest was "later thrown out."

Applicant concluded by noting that she has demonstrated growth and wisdom since any of the offenses from the time when she was “a lost little girl learning life through [trial] and [error],” that she was from a broken home and had experienced trauma. Applicant also expressed her desire to be a police officer and asked for reconsideration from the Board, and that she would be the best officer she can be.

Applicant also addressed issues that were not raised as bases of disqualification in the Disqualification Decision.

(Appeal).

Response

OPSA reiterated its position and added that as to Department’s Rule #2, it applied to both professional and private conduct of all members of the Department that would adversely reflect on the Department or its members, “It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department,” and “any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.”

OPSA argued that it was within its right to disqualify Applicant under applicable caselaw¹⁴. It argued that the conduct described was more than “a few bumps in the road,” and exhibited a series of misjudgments across a variety of circumstances and an inability to handle stressful situations which would make Applicant unable to fulfill her duties for the Department. OPSA concluded by asserting Applicant’s history is extremely troubling.

(Response).

¹⁴ *Apostolov v. Johnson*, 2018 IL App (1st) 173048 and *Johnson v. O’Connor* 2018 IL App (1st) 171930.

Findings of Fact

1. The Appeal and Response were timely filed.
2. Other than the conduct Applicant specifically explained in her Appeal, and which is addressed in Findings #4-7 below, no other conduct was specifically denied by Applicant. Pursuant to Police Board Rule of Procedure VII.B, any facts, evidence, or arguments omitted from Applicant's Appeal are deemed waived, and therefore it is found that the conduct not addressed in Findings #4-7 below occurred.
3. The fact that a prosecutor may have decided not to prosecute a case, or that someone voluntarily withdrew a case, does not necessarily mean the conduct did not occur. There can be any number of reasons why a prosecution does not move forward.
4. Applicant denied the conduct of battery, smoking cannabis and criminal trespass to property. There were no narratives in the police reports. By a preponderance of the evidence, **Applicant DID rebut the conduct alleged related to battery, cannabis and criminal trespass to property, but DID NOT rebut the conduct as to retail theft.**
5. Applicant claimed that her father's ex-girlfriend made up the allegations that appeared in two other police reports, specifying by number the police reports made by her child's father. However, one of the police reports had responding officers noting their observations that she did not answer the door when they arrived. Applicant was not credible when she claimed those reports were false. By a preponderance of evidence, **Applicant DID NOT rebut the conduct of denying access to the father after the court had ordered visitation.**
6. Applicant explained she did not know that her driver's license was suspended. There were

two suspensions. One occurred as a result of hitting a pedestrian, which she did not deny, but rather tried to blame the pedestrian. There was no dispute that her license was suspended. The vehicle collision on an icy road was not considered as part of the conduct demonstrating a poor driving history. By a preponderance of the evidence, **Applicant DID NOT rebut that she was operating a motor vehicle on a suspended license twice or that she hit a pedestrian in a crosswalk with her vehicle.**

7. Applicant did not deny the conduct that led to her termination at two of her former employers. She claimed the third was in retaliation for cooperating with a public health audit but did provide documentation of any lawsuit or settlement. By a preponderance of the evidence, **Applicant DID NOT rebut the conduct that led to her terminations.**
8. Except as to the conduct addressed in Finding #4-7 above, it is found that Applicant engaged in all other conduct that led to the disqualification.

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.

Other than some of the criminal conduct, specifically as it relates to battery, cannabis, and criminal trespass to property, Applicant failed to specify why OPSA erred in the factual determinations underlying the disqualification decision and/or failed to bring to the Board’s attention additional facts directly related to the reasons for the disqualification decision sufficient to rebut the conduct cited.

Disqualification on any one basis is sufficient to affirm a decision to disqualify. Here, there was conduct that went unrebutted under all bases. By a preponderance of the evidence **Applicant DID NOT prove that the decision to remove Applicant 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/ LAURA PARRY, Esq.
Appeals Officer

Date: April 9, 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 (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