

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)	
[NAME REDACTED],)	No. 25 AA 04
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 January 15, 2025, 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 February 10, 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 March 26, 2025, OPSA filed a response to the Appeal (“Response”). On March 30, 2025, Applicant filed a reply to the Response (“Reply”).

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

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

Disqualification Based on Criminal Conduct¹

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

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

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

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

OPSA cited the following conduct, in summary:

Though Applicant signed a sworn statement that he had not engaged in any criminal conduct, Applicant was named as a suspect in a domestic battery incident on May 22, 2024. The Background Investigator (“R/I”) reported speaking with the alleged victim, who was in a relationship with Applicant from September 2023- May 4, 2024. She related that a verbal argument occurred with Applicant after finding out Applicant was cheating on her, that it became physical when Applicant refused to leave her house and she pushed him to try to get him out. In response, Applicant was said to have “smacked her to the wall.” Police were called and a report made naming Applicant as the offender. The alleged victim reported that there were two other times Applicant hit her after she tried pushing him away following verbal arguments. A second 9-1-1 call was reported to have been made in which a friend of the same alleged victim reported that Applicant was “beating her up outside,” that he had a permit to conceal carry a weapon, that he became aggressive when the alleged victim asked him to leave, and he “smacked her.” (Background Investigation Report)

The case report and supplemental case report within the OPSA file showed that a call was made to report the incident on May 22, 2024, and that officers responded. The report noted no visible signs of injury or marks on the alleged victim and she refused medical. Supplemental Report noted officers tried contacting alleged victim for follow-up but that it was suspended when she could not be reached. (Case Incident Report and Case Supplementary Report #JH273756)

Basis #2

Disqualification Based on Criminal Conduct

7. Other Criminal Conduct

c. Conduct Indicating Violent Tendencies

Police officers are required to act reasonably and professionally at all times and to maintain control over their emotions in the exercise of their duty. These qualities are vital to a police officer's ability to protect the public and its trust in the police. Applicants who have demonstrated a propensity for violence do not meet those requirements. Therefore, any conduct demonstrating a propensity for violence will be grounds for disqualification. Conduct demonstrating a propensity for violence includes but is not limited to, conduct which would constitute murder; kidnapping; sex offenses; assault; battery; aggravated battery; offenses against property; robbery; domestic violence; disorderly conduct; and mob action. As noted above, an applicant who has engaged in any act falling within the scope of this section that constitutes a felony will be found unsuitable for employment.

...

An applicant who has engaged in any act falling within the scope of this section that constitutes a misdemeanor within the last three (3) years (from the date of PHQ submission), or more than one (1) time in his or her life, will be found unsuitable for employment.

OPSA cited the following conduct, in summary:

The conduct described in Basis #1 above as it relates to alleged Battery. (Background Investigation Report)

Basis #3

[V. Disqualification Based on] Polygraph Examination³

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

³ Section V of OPSA Special Order 21-01.

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 standards] along with other factors, may be used as a basis for disqualification.⁴

OPSA cited the following conduct, in summary:

“Candidate related that he had a verbal altercation with a girlfriend, May 2024, that turned physical. He was the named offender of the report but not arrested.”

Appeal

The following is a summary.

Applicant wrote that the alleged Battery incident was false and misrepresented what happened. Applicant stated he acted in self-defense. Applicant asserted that he has never engaged in any criminal activity, nor acted with intent to harm anyone. Applicant explained that the alleged victim is his ex-girlfriend who struggled with severe emotional distress after a personal tragedy in which her pregnancy was terminated due to medical concerns and for which she blamed Applicant and her own mother. Applicant went into great detail about attempts at recovery and therapy, and the alleged victim's subsequent erratic behavior and emotional and sometimes violent outbursts.

Applicant explained that towards the end of March prior to the May incident, the two mutually ended the relationship, but Applicant promised to remain a support friend with boundaries. The night before the incident, Applicant received a call from the alleged victim

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. This is the corrected language.

expressing she was depressed and needed moral support. Applicant reported that he agreed to go over there on the condition that they maintain the boundaries of friendship. He spent the night. At some point, the ex-girlfriend took Applicant's phone, found text messages from another female and started shouting at Applicant to leave. Applicant stated he saw that the situation was escalating so he got dressed and started leaving. When he got to the door, the ex lit a marijuana cigarette, and began berating, threatening and insulting him, according to Applicant. He wrote that he asked her if he could get the rest of his personal items before leaving, which she agreed to. After he got his things he returned to the door where he was met with "a shocking and terrifying sight" of the ex standing in the doorway holding several knives, warning him that she would hurt him. He was afraid for his safety. He wrote that she then dropped the knives, lunged at him, grabbing his jacket and choking him outside the doorway, which caught him off guard. Applicant reported that he was struggling to breathe, felt lightheaded, and pushed her off. He wrote that he felt disoriented and dizzy, fled from the apartment to the elevators and made it outside.

Applicant reported that days later the ex admitted that she had lost control and regretted her actions. Applicant wrote that after that the alleged victim continuously called him from blocked numbers, messaged him from various numbers and would alternate between apologies and anger. A few months later she also called, "sobbing and claiming she was still battling severe depression," and that he stayed on the phone with her for 30-45 minutes trying to be supportive, but when he explained he could no longer continue these kinds of conversations she became "furious" and told him that he only cared about his own future, and accused him of abandoning her. Applicant wrote that he decided she was trying to manipulate him into keeping him involved in her turmoil.

Applicant wrote that the entire ordeal unjustly derailed his lifelong aspiration of become a police officer, that he had a two-year internship with CPD, and worked alongside officers in community outreach programs. Applicant feels that he was wrongly disqualified “based on a single, misleading allegation,” and that he only acted in self-defense against someone who was physically attacking him who was experiencing severe emotional instability, and that he has no criminal history, record of violence or any other misconduct.

Applicant also wrote that the alleged victim, the ex, continues to harrass him, texting and calling from blocked and unknown numbers, “spewing threats, and vowing to ruin [his] future,” warning him that she would “get people after [me],” cursing, “falsely blaming [him] for her personal struggles,” and repeatedly saying that she will do “everything in her power to sabotage [his] career aspirations, vowing that [he] will never become a police officer.”

Applicant submitted examples of texts and voice audio of things he stated the alleged victim sent him. He identified them as coming from “[Name redacted]” (a nickname he gave her), “AS” (her first and last initial) or “random number” (because she used blocked or unknown numbers).

1. Individual texts from the alleged victim/the ex referencing, “I hope your ass die” were transmitted by AS (the ex) to Applicant on May 28, May 29, June 3 and June 6, 2024.
2. Text May 29 – in essence, Applicant explains he has to let this go, that he loves her so much that he could not stand that he hurt her and gives her permission to “block” him. AS replies with several individual texts including, “I hope your ass die,” “I hope somebody break your fucking heart,” “I hope your dick fall off,” “I hope on your first day as a police officer somebody kill your ass,” and ending with “Now stay tf away from me,” to which Applicant replied “[Name redacted] that’s truly hurtful.” Applicant writes that she needs a therapist to get out from the past, to which she adds a “ha ha” emoji and adds several more texts in which she calls him a “bitch” a few times, that he doesn’t know what she needs and references that her baby will be her therapy. Applicant again writes she needs help, and that she is very sick.
3. Text (date not shown) – “Bobby” writes, “Why are they calling me about my police report I made on u,” to which Applicant asked, “Who?,” the ex replied, “Bye,” Applicant replied, “Call me?,” to which the ex replied, “Stop calling me,” “U gone

- get wtf u deserve,” and “Gtfo.”
4. Voice recording and partial transcription June 11, 2024 – In essence the caller says she doesn’t care if he’s recording the message, twice she says that she hopes he dies, that when he said she was being disrespectful that he was being disrespectful telling anyone about her abortion or depression, calling him a “bitch” and other people as “motherfuckers” and “fuckers,” cursing throughout. She called him “gay” throughout. It is clear from the audio that the ex had initiated the call, as well as other calls. Applicant’s demeanor was calm on the recording, and suggested she stop calling him. The ex’s voice was agitated.
 5. Text September 18, 2024 – AS writes several texts in which she calls Applicant a “bitch” twice, that he’ll never be a man, to “suck a dick,” and that “one day you gone pay I promise you,” to which Applicant replied, “Your in your feelings right now.” Several other individual texts show AS writing “I’m going to hit you,” four times in a row, that she’s going to “beat [his] ass,” that in response to his saying, “love compassion,” she replied she won’t give him anytihng but a “fucking slap,” that he is weird, “I could kill u,” and, “Go die please.” Applicant responded that he was not going to get into an altercations with her, that he understands she’s broken, and that it seems the more he speaks the angrier she gets and that space and time is needed. (Appeal Attachments)

In closing, Applicant urged the Board to conduct a thorough and objective review, and offered any further details or evidence or interviews.

(Appeal)

Response

OPSA iterated the bases presented in the Disqualification Decision and stated it was within its rights to disqualify based on caselaw. (Response)

Reply

Applicant argued that the accusations against him were not supported by credible objective evidence and was contradicted by his evidence to the contrary, and that disqualification was not warranted under CPD’s hiring Standards.

Applicant went into great detail as to the Standards and how the decision to disqualify

was not in line with the hiring Standards.

It was argued that the decision was based solely on an accusation from a former partner, unsupported by objective evidence such as arrest records, criminal charges or independent witness statements, and that he denies any such conduct.

Applicant argued that the Standards require OPSA to do further investigation when criminal conduct is alleged, as in an arrest report, and obtain additional evidence such as statements from officers, and victims and witnesses, which did not happen in this case. That there were two 9-1-1 calls only means the calls were made by the ex and by someone claiming to be a friend. There was also no physical evidence, or medical reports or witness testimony. Applicant also argued that his claim of self-defense was completely overlooked, and that he defended himself against the ex which is allowed under Illinois law (citing 720 ILCS 5/7-1). He argued that OPSA's reliance solely on the ex's allegation contradicts the hiring Standards.

Applicant argued that there is no propensity for violence, again because this relied on one allegation that was unsubstantiated, as argued above, and that he acted in self defense after having been physically provoked.

Finally, Applicant addressed the Disqualification Based on Polygraph Exam, stating that OPSA did not say which response was objectionable or how it amounted to a disqualification, and that it vaguely referenced an admission of an altercation and that by its own Standards a polygraph exam it is not definitive evidence of deception or wrongdoing.

Applicant closed by iterating that the disqualification here does not align with the Standards, and respectfully requested he be reinstated to the eligibility list.

(Reply)

Findings of Fact

The Appeal, Response, and Reply were timely filed.

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

In considering and weighing the evidence, the Applicant's account of the alleged Battery incident is credible – that any physicality exhibited by Applicant on that date was in an effort to free himself from someone physically attacking him. The alleged victim's account is not credible and was not supported by the totality of the evidence presented. The police responded to the call and saw no evidence of physical injury or marks on the alleged victim.

The Standards require, "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." There was never an arrest. And there was not enough information presented by OPSA, in light of Applicant's denial of criminal conduct and conduct indicating violent tendencies and the evidence Applicant supplied, to support the allegations in the Case Report.

The Disqualification Based on Polygraph Exam was not clear as to what conduct was disqualifying or how there was deception. Applicant never denied a physical encounter between him and his ex; rather he denied criminal conduct and conduct indicating violent tendencies.

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.

In accordance with applicable procedures for this appeal, Applicant **DID** show by a preponderance of the evidence for the basis presented that Department erred in the exercise of its decision to remove Applicant's name from the Eligibility List 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 **REVERSED**, and the Applicant's name be returned to the Eligibility List.

Respectfully submitted,

/s/ LAURA PARRY, Esq.
Appeals Officer

Date: May 5, 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 9 in favor (Kyle Cooper, 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 **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, Kathryn Liss, Arlette Porter, Andreas Safakas, Justin Terry, and Cynthia Velazquez.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15th DAY OF MAY 2025.

Attested by:

/s/ KYLE COOPER
President

/s/ MAX A. CAPRONI
Executive Director