

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

<b>IN THE MATTER OF THE APPEAL BY</b>	)	
<b>[NAME REDACTED],</b>	)	<b>No. 25 AA 03</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 January 6, 2025, and sent to Applicant via email on January 7, 2025, 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 March 6, 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”). 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>**

###### **6. Felonies**

An applicant who has engaged in any conduct which would constitute a felony is not eligible for employment.

OPSA cited the following conduct, in summary:

When Applicant was in her late 20s or early 30s, she committed the offense of Bank Fraud.

#### **Basis #2**

##### **Disqualification Based on Criminal Conduct**

###### **7. Other Criminal Conduct**

###### **a. Conduct Involving Drugs**

The City of Chicago has an obligation to maintain a safe, healthy and productive work environment for its employees. An employee under the influence of drugs or alcohol while at work can be a serious safety risk to himself or herself, to other employees, and in certain instances, to the general public. The abuse of drugs or alcohol also has a negative impact on the productivity and health of City employees. In order to maintain a safe and healthy work environment, the City of Chicago has established a “zero tolerance” policy regarding the unlawful use of drugs for its employees. This policy also prohibits the illegal sale, delivery, receipt, possession or use of any controlled substance. Further, any applicant who has illegally sold, delivered, received, possessed or used any controlled substance (under state or federal law regardless of geographical location)

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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.

has, if falling into any of the five categories listed below, demonstrated that they present a safety risk to themselves and others. The City defines an illegal drug as any drug that is not legally obtainable in the United States, any drug used in a manner or for a purpose other than prescribed, or any prescription drug that was sold, delivered, received, possessed or used by any person to whom it was not prescribed.

While the Chicago Police Department does not condone prior unlawful drug use by its applicants, we recognize that some otherwise qualified candidates may have engaged in limited drug use at some time in their past. The following standards set forth the criteria for determining whether prior drug use makes an applicant unsuitable for employment. These standards balance the Chicago Police Department's need to maintain a drug-free environment and foster the public integrity needed to enforce applicable drug laws with the understanding that people sometimes have made mistakes that are not indicative of future performance or current abilities.

...

- (6) <sup>2</sup>An applicant who has used any illegal drug, other than marijuana, within the last five (5) years (from the date of PHQ submission), or has engaged in more than minimal experimentation at any point in his or her life may<sup>3</sup> be found unsuitable for employment. When determining that drug use constituted more than minimal experimentation, all relevant factors, such as frequency of use, length of time since the last use, and age of the applicant when he or she last used any illegal drug, will be evaluated. Exceptions to this standard may be made on an individual basis for the un-prescribed use of prescription drugs, provided that such use was only medicinal, isolated, and infrequent.<sup>4</sup>

OPSA cited the following conduct, in summary:

Applicant used cocaine more than once between 2009 and 2023, and used marijuana 1-2 times per month between 2002 and 2024.

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<sup>2</sup> OPSA's Completed Background Investigation Rejection report incorrectly listed subsection (6) as subsection (4).

<sup>3</sup> OPSA's Completed Background Investigation Rejection report incorrectly stated "will" rather than "may."

<sup>4</sup> OPSA's Completed Background Investigation Rejection report incorrectly cited a disqualification standard pertaining to marijuana from a special order that is no longer in effect because it was rescinded by OPSA Special Order 21-01. Consequently, this report does not list the invalid standard pertaining to marijuana use nor evaluate OPSA's contentions regarding Applicant's marijuana use.

**Basis #3**

Violation of the Rules and Regulations of the Chicago Police Department

Article V. Rules of Conduct

Rule 1: Violation of any law or ordinance.<sup>5</sup>

OPSA cited the following conduct, in summary:

Applicant violated CPD Rule 1 by committing Bank Fraud when in her late 20s or early 30s, by using cocaine in 2023, and/or by regularly using cannabis between 2002 and 2024.

**Appeal Summary**

Applicant argues that at the beginning of the recruiting process, the Chicago Police Department (“CPD”) repeatedly stated, “‘We’re not looking for the perfect police officer (because there isn’t one), we’re looking for an honest one.’” [sic] Applicant maintains she is exactly what CPD is looking for -- honest, loyal, and hardworking -- and asks for the opportunity to protect and serve the city she grew up in and loves.

Applicant explains the circumstances surrounding the disqualifying conduct cited by OPSA as follows:

**Basis #1/Basis #3: Disqualification Based on Criminal Conduct (Felonies)/Violation of the Rules and Regulations of CPD (Rule 1: Violation of any law or ordinance)**

Applicant contends that the portion of OPSA’s report that describes her role in committing Bank Fraud does not reflect “exactly how it happened.” She provides this more accurate narrative: She met a stranger who said he would pay her a fee if she cashed his checks

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<sup>5</sup> OPSA’s Completed Background Investigation Rejection and Update reports do not cite any disqualification standards for Basis #3. The only disqualification standard in OPSA Special Order 21-01 that references violation of the Chicago Police Department’s Rules and Regulations states, “Further, an applicant who, *during previous employment*, has engaged in any conduct that would have violated Chicago Police Department’s Rules and Regulations had the applicant been a Chicago Police Department employee, may be found unsuitable for employment.” (Section IV.D.3. of OPSA Special Order 21-01, emphasis added)

because he did not have a bank account and did not want to pay currency exchange fees. She felt uneasy about cashing the checks so she deposited them instead. She had worked at a bank in the past and knew if there was something wrong with them, they would bounce. The checks bounced, the guy “ghosted” her, and the bank closed her account with a zero balance, in good standing. She never profited at the bank’s expense nor did she owe the bank any money. She should have known better than to try to help someone she did not know -- she was in a vulnerable financial situation but that does not excuse her mistake.

**Basis #2/Basis #3: Disqualification Based on Criminal Conduct (Conduct Involving Drugs)/Violation of the Rules and Regulations of CPD (Rule 1: Violation of any law or ordinance)**

When she used cocaine in 2023, she was “inebriated” and someone gave it to her “with the intention of sobering [her] up.”

**Response Summary**

OPSA (often referred to as “the Department” in their Response) reviewed Applicant’s Appeal request and refers to/relies on the facts and evidence relating to the disqualification contained in Applicant’s file. 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 contends that the evidence in the file supports its decision to disqualify Applicant from hiring and the Department is within its rights to do so -- the pre-employment disqualification standards upon which Applicant’s disqualification were based are clear, as delineated in the Disqualification Decision.

Specifically, OPSA emphasizes that Applicant freely admitted to committing a felony offense and to using illegal drugs. An applicant may 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 a criminal offense -- It is the conduct itself, not the

fact that the applicant was convicted, that makes the applicant unsuitable for employment.

Applicant admitted to a polygraph examiner that she committed Bank Fraud (720ILCS 5/17-10.6, Financial Institution Fraud, a felony offense) and also admitted, in both her Pre-Qualification Questionnaire (“PHQ”) and during her polygraph examination, that she used cocaine more than once between 2009 and 2023.

OPSA further argues that by admitting she engaged in the aforementioned conduct, Applicant admitted she violated local, state, and federal statutes, and therefore her conduct would have violated CPD Rule 1 had she been in CPD’s employ.

OPSA concludes that Applicant’s history is extremely troubling and serves as grounds for disqualification.

### **Findings of Fact**

The Appeal and Response were timely filed. Applicant’s Appeal was 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, and OPSA filed its Response within 45 calendar days of receipt of the Appeal as required by Police Board Rule VII. E.

In its Disqualification Decision, OPSA provided the factual bases for its decision to disqualify Applicant and remove her name from the Eligibility List pursuant to Bases #1 and #2, but failed to provide a factual basis to disqualify her premised upon Basis #3.

Applicant is 37 years-old.

### **Basis #1: Disqualification Based on Criminal Conduct (Felonies)**

During Applicant’s July 2, 2024, polygraph examination, she admitted she committed

Bank Fraud<sup>6</sup> while in her late 20s or early 30s. She stated she met an unnamed male offender online who gave her three fake checks to deposit into her bank account. Once deposited, the offender and Applicant were to split the money. The bank, however, flagged the checks as fraudulent and closed her account. She was not arrested related to her conduct.

In her Appeal, Applicant infers that she suspected the checks could be fake when she deposited them. Nevertheless, she deposited them because she needed the money.

**Basis #2: Disqualification Based on Criminal Conduct (Conduct Involving Drugs)**

During her polygraph examination, Applicant admitted that she used cocaine more than once between 2009 and 2023. While she states in her Appeal that in 2023, someone gave her cocaine “with the intention of sobering [her] up,” she does not address her cocaine use prior to that incident, nor does she contend that OPSA’s factual determinations underlying her disqualification pertaining to Basis #2 were erroneous.

**Basis #3: Violation of the Rules and Regulations of the Chicago Police Department (Rule 1: Violation of any law or ordinance)**

As noted above (see footnote #4), OPSA fails to cite a disqualification standard for Basis #3 in its Disqualification Decision.

**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

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<sup>6</sup> Bank Fraud is otherwise known as Financial Institution Fraud. In this case, Applicant effectively admitted to violating 720 ILCS 5/17-10.6(c)(1) and (2). While the total amount of the fraud dictates whether the offense is classified as a misdemeanor (below \$500) or felony, Applicant does not challenge OPSA’s contention that the total amount of the checks she deposited exceeded the \$500.00 felony threshold.

the decision to remove Applicant from the Eligibility List was erroneous.

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.

**Basis #1: Disqualification Based on Criminal Conduct (Felonies)**

Section IV.B.6 of OPSA's Pre-Employment Standards states, "An applicant who has engaged in any conduct which would constitute a felony *is not eligible* for employment." (emphasis supplied).

Applicant admitted that in her late 20s or early 30s, she engaged in conduct which would constitute Financial Institution Fraud. Although Applicant states in her Appeal that she never profited at the bank's expense nor owed the bank money, she admits she suspected that the checks were fake -- yet deposited them anyway. Further, as noted in Footnote #6, Applicant does not challenge OPSA's contention that the total amount of the three checks she deposited exceeded \$500.00, which would have constituted a felony offense.

Although she was never arrested or prosecuted for depositing those checks, Section (B)(1) states: "...an applicant may 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 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."

According to Section IV.B.6, Applicant's disqualification is mandatory. Applicant failed



to show that OPSA's decision to remove her from the Eligibility List pursuant to Basis #1 was erroneous.

**Basis #2: Disqualification Based on Criminal Conduct (Conduct Involving Drugs)**

Section IV.B.7(a)(6), states, that "an applicant who has used any illegal drug, other than marijuana, within the last five (5) years (from the date of PHQ submission), or has engaged in more than minimal experimentation at any point in his or her life may be found unsuitable for employment." Applicant admitted using cocaine more than once since 2009 – the last time in 2023, within the last five (5) years from the date of her PHQ submission. OPSA certainly could conclude that Applicant's cocaine use constituted more than "minimal experimentation."

Pursuant to Section IV.B.7(a)(6), OPSA was well within its rights to disqualify her. Applicant failed to show that OPSA's decision to remove her from the eligibility list premised on Basis #2 was erroneous.

**Basis #3: Violation of the Rules and Regulations of the Chicago Police Department (Rule 1: Violation of any law or ordinance)**

OPSA does not allege that Applicant engaged in conduct *during previous employment* that would have violated CPD Rule #1 had she been in the City's employ (see Footnote #4). Accordingly, OPSA's Disqualification Decision pertaining to Basis #3 lacks administrative sufficiency. OPSA therefore failed to provide Applicant with sufficient "written notice" of their reason(s) for that particular disqualification basis, as required by Police Board Rule VII.A, and failed to provide her with "all facts, evidence, or arguments in support of the Department's position," as required by Police Board Rule VII.E. The decision to remove Applicant from the Eligibility List pursuant to Basis #3 was erroneous.

**Conclusion**

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 her from the Eligibility List was erroneous. Applicant failed to meet this burden as to Bases #1 and #2.

**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: May 12, 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 **affirmed**.

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

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

Attested by:

/s/ KYLE COOPER  
President

/s/ MAX A. CAPRONI  
Executive Director