

**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 06</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 February 10, 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 April 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 April 30, 2025, OPSA filed a response to the Appeal (“Response”). On May 30, Applicant filed a one sentence 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 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:

It was disclosed in Applicant's previous application polygraph exam that Applicant purchased approximately a half ounce of marijuana (cannabis) and delivered it to a friend who reimbursed Applicant. This occurred after Applicant told the friend that he knew the source had high quality marijuana and believed it to be from California, and the friend asked Applicant could get him some, which Applicant agreed to do. Applicant had purchased from the source before with the first and last purchases occurring fewer than 20 times between 2010-2011. Applicant said he kept the marijuana in a glove in the car jack compartment and that he sold marijuana in pre-packaged baggies from the source of 1 gram fewer than six (6) times to cover the expense of rifle scope rings, netting approximately \$85. Applicant also disclosed he sold marijuana to a family friend "at cost" twice. In a June 2024 interview with Applicant, the Background Investigator reported that Applicant admitted the previous disclosures and added that he had been young and stupid. Investigator reported to have then explained to Applicant that Possession with Intent to Deliver or Delivery of Cannabis is a crime and that even a small

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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.

amount could be charged as a felony (citing “1 ounce”). (Candidate Background Investigation Summary (“Background Report”).

**Basis #2**

Disqualification Based on Criminal Conduct

7. Other Criminal Conduct

a. Conduct Involving Drugs

4. An applicant who knowingly and illegally sold, distributed, manufactured or delivered, with intent to deliver marijuana/cannabis will be found unsuitable [for employment].

OPSA cited the following conduct, in summary:

The conduct described in Basis #1 above.

Applicant was born in April 1992.

(Background Report).

**Appeal**

Applicant wrote that he has never been convicted of a crime, that he was “young fool” at the time and made a bad decision, but that it never went beyond his friend group. Applicant understands that it does not excuse the conduct, but that he is pleading for a chance because he went to school to become a police officer, and it is his “dream and passion to serve and protect the citizens of Chicago and be a part of one of the best Police departments in the country.” (Appeal).

**Response**

OPSA iterated its bases for disqualification and its right to do so, citing caselaw, and that

according to its hiring standards, Applicant may be disqualified if there is “evidence that the applicant has engaged in criminal conduct, even if the applicant was never convicted of a 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.” (*See OPSA Special Order 21-01, Section IV.B.1.*) OPSA indicated Applicant’s history is extremely troubling and serves as grounds for disqualification. (Response).

### **Reply**

The Reply, in its entirety, stated, “Yes I would like to appeal.” (Reply)

### **Findings of Fact**

1. The Appeal, Response, and Reply were timely filed.
2. Pursuant to Police Board Rule of Procedure VII.B, any facts, evidence, or arguments omitted from Applicant’s Appeal are deemed waived;
3. 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;
4. Pursuant to Police Board Rule of Procedure VII.F, Applicant’s Reply may not include new facts, evidence, or arguments.
5. Applicant illegally bought and sold small amounts of marijuana (cannabis) in 2010-2011 when Applicant was approximately 17-19 years old. He is currently 33 years old.
6. It is unclear whether the conduct amounted to felony conduct as there was no indication

what the law was at the time of the sale and no definitive amounts sold.

7. Applicant did not present facts to rebut the conduct.
8. An applicant who knowingly and illegally sold, distributed, manufactured or delivered, with intent to deliver marijuana/cannabis will be found unsuitable for employment, according to the hiring standards.
9. Applicant did not specify why the Department erred in the factual determinations underlying the disqualification and did not bring forth additional facts directly related to the reasons for 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.

The hiring standards do not exempt conduct based on age or the time that has lapsed since the conduct occurred when such conduct involves an applicant who “knowingly and illegally sold, distributed, manufactured or delivered, with intent to deliver marijuana/cannabis.” The standards clearly state that if an applicant engages in such conduct, the applicant “will be found unsuitable for employment.”

**Applicant did not show by a preponderance of the evidence that the decision to remove Applicant from the Eligibility List was erroneous as to Criminal Conduct - Conduct Involving Drugs.**

Disqualification on any one basis is sufficient to affirm a decision to disqualify.

**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: June 4, 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 (Kyle Cooper, Claudia Badillo, 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, Tyler Hall, Kathryn Liss, Arlette Porter, Andreas Safakas, Justin Terry, and Cynthia Velazquez.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18<sup>th</sup> DAY OF JUNE 2025.

Attested by:

/s/ KYLE COOPER  
President

/s/ MAX A. CAPRONI  
Executive Director