

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

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 23 AA 05**  
**APPLICANT FOR THE POSITION OF** )  
**PROBATIONARY POLICE OFFICER,** ) **(Applicant No. [redacted])**  
**CITY OF CHICAGO.** )

**FINDINGS AND DECISION**

[Name redacted], (hereinafter referred to as “Applicant”) applied for a probationary police officer position with the City of Chicago. In a letter dated January 5, 2023, the Office of Public Safety Administration gave Applicant written notice of its 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 (“Notice”), which listed five (5) bases.

In a letter dated March 3, 2023, Applicant, through his attorney, appealed the disqualification decision to the Police Board by 1) filing a written request specifying why the Department of Police (hereinafter referred to as “Department”) erred in the factual determinations underlying the disqualification decision *and/or* 2) bringing to the Board’s attention additional facts directly related to the reason(s) for the disqualification decision, pursuant to Section 2-84-035(b) of the Municipal Code of Chicago (“Appeal”). Department filed a Response March 27, 2023. There was no Reply filed.

Police Board Appeals Officer Laura Parry has reviewed the Notice, Appeal and Response.

**APPEALS OFFICER’S FINDINGS, CONCLUSIONS, AND RECOMMENDATION**

Appeals Officer Laura 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.

### **FILINGS BY PARTIES**

Applicant filed a written Appeal as permitted by Section 2-84-035(b) of the Municipal Code of Chicago. The Appeal was dated March 3, 2023. Department filed its Response in a letter dated March 27, 2023, in addition to the original Notice.

According to the Notice, Applicant was removed from the list of eligible applicants for the position of probationary police officer for the following reason(s):

#### **Basis #1**

##### **IV-B. Disqualification Based on Criminal Conduct**

1. "One purpose of the pre-employment investigation is to determine whether the applicant has engaged in criminal conduct. This is important because the 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 will 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." ("Candidate Background Investigation Update to Kentech Report" within Notice and herein after referred to as "Background Investigation Report," p. 1)

Department cited the following conduct, in summary:

Applicant was arrested on a warrant out of Jackson County in February 2012 by Chicago Police. The charge was retail theft in October 2011. The background Investigator's review of records available on Judici (a private website that partners with counties to provide access for looking up court cases) indicated Applicant pled guilty to retail theft, although Investigator's response for criminal records from Jackson County resulted in no records found. Applicant apprised the polygraph examiner of the incident, noting his companions stole a video game

controller and that Applicant was let go, that he later returned to the county for the warrant, the case was dropped and that he was never charged with theft.

(Background Investigation Report, p. 1-2)

**Basis #2**

**IV-B. Disqualification Based on Criminal Conduct. Other Criminal Conduct**

**7.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; stalking; 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."

(Background Investigation Report, p. 2)

Department cited the following conduct, in summary:

The conduct alleged was three incidents of Simple Domestic Battery in May 2013, September 2015, and September 2016. All three incidents involved the same alleged victim -- Applicant's then-girlfriend and mother of their child -- as indicated in the three case reports summarized by the Investigator.

The 2013 case report indicated responding officers saw bruising on the victim's face and scratches on her neck after victim related that she had been in a verbal altercation with Applicant. Victim refused to sign the complaint. It was not specifically reported within the section discussing this incident whether Applicant was arrested for this, however, it appears from further on in the Investigator's report that he was arrested and that the case was not prosecuted.

In the 2015 incident, the victim reported that she and Applicant were arguing and pushing each other, and Applicant left when requested by victim. There was a child visitation

arrangement in place which reportedly, neither she nor Applicant were following. Applicant was subsequently arrested, and the case was stricken with leave to reinstate.

The case report for 2016 described Applicant entered victim's unlocked apartment with their child uninvited, a verbal altercation ensued, Applicant slapped victim about the face and then put his hands around her neck and "slammed" her to the ground. In the process Applicant was said to have broken the television and left with victim's house keys. Responding officers did not observe any injuries. Applicant was subsequently arrested and served with a Temporary Order of Protection. The case resulted in a finding of not guilty.

The Investigator noted Applicant was listed as a suspect in 20 case reports but that only the cases above resulted in arrests for the 20 listed. The Investigator's report also notes an arrest in another Illinois county (see Basis #4 below).

(Background Investigation Report, p. 2-3).

**Basis #3**

**IV-G. Disqualification Based on Indebtedness**

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 employment." (Background Investigation Report, p. 3)

Department cited the following conduct, in summary:

The Investigator reported Applicant advised that as of December 19, 2022, Applicant owed \$5,874.65 to the City of Chicago in unpaid parking tickets, and that the debt had not been paid in full as of January 2, 2023. Additionally, as of January 2, 2023, it was reported Applicant had a credit debt of \$1,530 in collections against him and a past due/delinquent credit of \$90.

(Background Investigation Report, p. 3).

**Basis #4**

**IV-I. Disqualification Based on False Statements or Omissions and/or Failure to Cooperate in the Application Process**

1. "Honesty and credibility are vital characteristics 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. Therefore, applicants are required to cooperate with the City of Chicago and the Chicago Police Department in all matters relating to the processing of their applications for the position of Police Officer. Any applicant who fails to cooperate with the City of Chicago and its Police Department in processing his or her application for the position of Police Officer shall be disqualified. Prohibited conduct within this category includes, but is not limited to: failure to provide any required information; failure to respond to requests for information in a timely manner; failure to respond to requests for interviews in a timely manner; failure to fully disclose all known information requested, whether it is beneficial or prejudicial to the applicant; making false or misleading statements in connection with any part of the application process; failing to include any material or relevant information requested by the City of Chicago or the Chicago Police Department; or failing to appear for scheduled appointments or processing sessions as directed." (Background Investigation Report, p. 3)

Department cited the following conduct, in summary:

The Investigator reported that candidate was inconsistent between his Personal History Questionnaire ("PHQ"), the background interview and the polygraph examination when it came to marijuana usage. According to the Investigator, Applicant reported on his PHQ and during his interview that he never used marijuana (PHQ, Q#69), but during the polygraph exam Applicant disclosed he first used marijuana in high school with a group of friends and that he mistakenly ate an "edible" his girlfriend gave him four-to-five years ago. The polygraph exam resulted in an "inconclusive" response from Applicant to one of the questions about his involvement with illegal drugs.

Investigator reported that during the polygraph exam Applicant stated that he was stopped by security in a retail store after classmates he was with shoplifted a video game. He

stated that he gave them his information, but he was let go while his classmates were arrested. It is further reported that he stated he returned to Jackson County for a warrant for the incident but that the case was dropped and he was never charged with theft. The background Investigator reported that records he viewed showed a Jackson County case in which Applicant pled guilty to Retail Theft and paid a fine for an ordinance violation, though direct requests for criminal records for Applicant from the city and county where the violation occurred resulted in no records having been found.

(Background Investigation Report, p. 3-4).

**Basis #5**

"Minimum Qualifications

EDUCATION/MILITARY SERVICE: At the time of entry into the police academy applicants must have at least 60 semester hours (90 quarter hours) from an accredited college or university (Documentation Required). Education requirement may be waived if applicant has:

At least three (3) years of full-time employment as a licensed professional security or private security contractor within the last 4 years." (Background Investigation Report, p. 4-5)

Department stated Applicant did not submit college transcripts and, in the alternative, did not meet the requirements of waiver because he did not work as a fulltime licensed security officer for three of the past four years, but rather only work parttime at Tall Security as indicated on Applicant's PHQ and background investigation report. Additionally, Applicant's PERC ("Permanent Employee Registration Card") card expired in May 2018. In summary, 225 ILCS 447/35-30 requires employees working in security to pass a background check and have a permanent employee registration card. The date of the Investigation Report was January 2, 2023. Investigator reported Applicant stated over the phone on December 20, 2022 that Applicant completed the renewal application online that same day. (Background Investigation Report, p. 4-5)

**Appeal, Response and Reply**

Applicant appealed the disqualification in a letter signed by himself and his attorney dated March 3, 2023. (Appeal Letter). The following is a summary.

**Appeal Basis #1.** As to the Jackson County incident involving retail theft, Applicant, through counsel, stated Applicant, a student at the time, attempted to leave the store after paying for his items when the alarm sounded, and he was approached by security. That was in May 2011. Applicant wrote that he learned that his companions placed items at the bottom of his cart after he'd made his purchase. All were questioned. Applicant stated he was released but his companions were charged. Counsel noted that Applicant passed the polygraph examination when he denied he'd ever stolen anything. Shortly thereafter Applicant left the university because he broke his nose and required surgery. Applicant did not return to the university. No reason was given. Applicant further stated that he never received notice that he was charged with an ordinance violation, nor did he receive any charging documents, and that had he received such notice he would have defended against the allegation. Applicant asserted that unbeknownst to him he was "tried in absentia in October 2011 and a finding of guilt was entered (applicant did not plead guilty as claimed in the disqualification letter)" (Appeal letter, p. 2). Applicant was assessed a fine plus court costs and placed on three months supervision and was to appear in court in December 2011. Applicant asserted that because he was unaware of the charge and disposition he did not appear or pay the fine and a warrant/body attachment for failure to appear/failure to pay a fine was issued. In March 2012 Applicant was arrested in Chicago on the warrant, which Applicant stated was the first time he'd learned of the fine. He posted a bond which fully satisfied the fines and costs and when he and his father traveled to Jackson County,

they were told by the clerk that Applicant's payment completed the supervision requirements, and the case was dismissed with no more action required of Applicant.

Applicant's counsel stated Applicant intends to file for expungement and argued that because Applicant successfully completed supervision for the Jackson County finding of guilty in absentia that "the law prohibits an employer (and others) from any disqualifications or disabilities that would otherwise be imposed by law upon conviction of a crime" and cites 730 ILCS 5/5-6.3.1 (e) and (f). (Appeal letter, p. 2). The exact language of those provisions are as follows:

(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961 or the Criminal Code of 2012, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in clause (a)(1)(L) of Section 5.2 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged. (730 ILCS 5/5-6.3.1 (e) and (f))

**Appeal Basis #2.** As to Other Criminal Conduct based upon allegations of domestic battery, Applicant explained that Applicant was involved in a relationship with the alleged victim of the three incidents and they had a child together, and that as their relationship "dissipated" a years-long custody dispute ensued. Applicant also stated that the 20 cases where he was listed as a suspect was the result of the alleged victim frequently calling the police to try to bolster her



custody case and was "not because applicant had engaged in any criminal conduct" (Appeal letter, p. 3). Applicant further asserted that several police calls for service were made by him, and that calls for police service do not constitute criminal conduct. Applicant notes that none of three arrests resulted in a conviction, two of which were from "delayed reports" by the victim and were dismissed by motion of the prosecutor and the third was dismissed by the court because Applicant was out of town at the time of the alleged incident. Applicant's counsel argued that the arrests "neither confirms nor denies the commission of a criminal offense" and that "the dismissal of criminal charges carries with it the presumption of applicant's innocence of criminal conduct." (Appeal letter, p. 3)

As to the temporary restraining order, Applicant's counsel noted that it was issued without notice to Applicant and without opportunity to be heard and that upon review the order was not extended and that subsequently Applicant obtained an emergency order of protection against the alleged victim which the court extended into a two-year order. Applicant ultimately was awarded residential custody of the child. (Appeal letter, p. 3)

Throughout the Appeal letter Counsel argued that the police hiring procedures that allow for disqualification "... if there is evidence applicant has engaged in criminal conduct, even i[f] the applicant is never convicted of any criminal offense" (Appeal letter, p. 2) contradicts state statute and public policy (Appeal letter p. 2-3), that "criminal conduct" is a legal term of art with independent legal significance; that allegations of criminal conduct made in the absence of a criminal conviction constitutes civil defamation; and that denying employment on the basis of criminal conduct in the absence of a conviction could deprive Applicant "of a 14th Amendment liberty interest and result in a due process violation." (Appeal letter, p. 3). Applicant's counsel further stated: "I strongly encourage the City of Chicago not to apply this illegal standard to

applicant" (Appeal letter, p. 3) and that Applicant should not be disqualified on allegations of criminal conduct dismissed by the prosecution or court, and that Applicant cannot lawfully be disqualified for the ordinance violation for which Applicant successfully completed court supervision." (Appeal letter, p. 3)

**Appeal Basis #3.** As to indebtedness, it was stated that Applicant entered into a repayment agreement and that Applicant had told the background Investigator that Applicant "would arrange for payment of the debt in full as soon as he was notified of his impending hire by the City of Chicago. Until such notification, applicant is financially better suited to continue timely payments to the City of Chicago under the repayment agreement." (Appeal letter, p. 4). Applicant disputed that the \$1,530 utility company debt was in collections and did state that it is under a payment plan, and that Applicant's credit account is due \$90. (Appeal letter, p. 4)

**Appeal Basis #4.** As to disqualification based on false statements, omissions, or failure to cooperate, Applicant iterated arguments made above as to the alleged domestic battery incidents, the temporary order of protection and retail theft incident. (Appeal letter, p. 4-5). Additionally Applicant argued that his failure to recall two instances of cannabis "exposure" (Appeal letter, p. 5) -- one from high school and one four-to-five years prior to his application "when he mistakenly consumed a cannabis edible" -- resulted in Applicant making "an erroneous statement in applicant's personal history questionnaire" and that through the polygraph exam process his memory was stimulated and he fully disclosed prior cannabis "exposure" (Appeal letter, p. 5).

**Appeal Basis #5.** Finally, as to Minimum Qualifications, Applicant asserted he submitted letters confirming his employment with Tall Security Solutions (since 2017) and Hard Body Security (employment in excess of 12 months) for a total of three years of full-time

employment over the past four years, and that both companies fall within the definition of licensed professional security or private security contractor. No such letters accompanied the Appeal. Applicant asserted Department did not contact either of the employers. He further asserted that his PERC card has been renewed and that he made no false statements, material omissions and that he fully cooperated with the process. No renewal confirmation accompanied the Appeal. (Appeal, p. 5)

Department filed its Response on February 27, 2023, in summary, standing on the reasons and bases set forth in its disqualification letter, further noting that some of the conduct would also have violated a number of Department rules had Applicant been an employee. Department further asserted that Applicant's conduct was "problematic," and "applicant's history is troubling." Department iterated its right to disqualify the applicant under caselaw.

### **FINDINGS OF FACT**

Filings were timely.

Department provided the factual basis for its decision to disqualify Applicant and remove Applicant's name from the eligibility list for which Applicant was given the opportunity to file a written appeal specifying why the Department erred in the factual determinations underlying the Department's decision *and/or* provide additional facts directly related to the bases for disqualification.

#### **Basis #1. IV-B.1. Disqualification Base on Criminal Conduct**

**Basis #1 Findings Summary:** By a preponderance of evidence, **Applicant DID** provide additional facts directly related to and/or specified why the Department **erred** in the factual determinations underlying the disqualification decision as to **Basis #1 IV.B.1 Disqualification**

**Based on Criminal Conduct** as it relates to the retail theft incident.

Applicant specifically denied the conduct of retail theft and added facts directly related to that basis -- that he learned his companions put a video game controller that they had not paid for into the cart along with his paid items. He added that he did not know that he was found guilty in absentia and did not return to the university the Fall of the proceeding and stated that he did not find out about it until he was arrested on a warrant. Applicant chose not to explain why he did not return to the university in the Fall, but explained he left some time after the incident because he needed surgery for his broken nose. Department found no additional records describing the incident other than a search in Judici. Additionally, Applicant apprised the polygraph examiner of the incident, and it is plausible that Applicant understood that because nothing further happened when he returned to Jackson County for the warrant that the case was dropped, and he was not charged with theft. The Appeals Officer finds that Applicant's explanations are plausible and reasonable.

**Basis #2. IV-B.7.c. Other Criminal Conduct - Conduct Indicating Violent Tendencies**

**Basis #2 Findings Summary:** By a preponderance of evidence as to the 2013 incident

**Applicant DID** provide sufficient additional facts directly related to and/or adequately specified why Department **erred** in the factual determination underlying the disqualification decision because there was no report that Applicant caused the physical injuries. **HOWEVER**, as to the conduct complained of in the 2015 and 2016 incidents and by a preponderance of evidence, **Applicant DID NOT** provide sufficient additional facts directly related to or adequately specify why the Department erred in the factual determinations underlying the disqualification decision as to **Basis #2 IV.B.7.c. Other Criminal Conduct - Conduct Indicating Violent Tendencies.**

As to the domestic violence incidents, Applicant denied being in town for one of the

incidents and further asserted that the court dismissed the case because of that, but did not specify which case. He did not specifically deny the conduct for which he was arrested for the other two incidents. The 2013 incident report described a "verbal altercation," and that the responding officers noticed bruising on the alleged victim's face and scratches on her neck, but the bruising and scratches were not directly attributed to Applicant within the report.

As to the 2015 incident, it was reported by the victim that Applicant and victim "pushed" each other during an argument. As to the 2016 incident, it was reported by the victim that Applicant entered victim's unlocked apartment with their child uninvited, engaging in a verbal altercation, slapping the alleged victim about the face and putting his hands around her neck and "slamm[ing]" her to the ground, breaking a television and taking the house keys. For the 2015 and 2016 incidents, Applicant did not deny the conduct and did not offer additional facts, except in generalities as to the state of his relationship with the victim, and offered general conjecture that people may use reports to the police to bolster custody cases. Applicant relied on the argument that if guilt was not pled to or proven beyond a reasonable doubt in a criminal court then the conduct cannot be considered in disqualification by the Department -- that a disqualification based on criminal conduct with anything less would contradict state statute, public policy and due process considerations, and that allegations of criminal conduct without a criminal conviction is civil defamation. Applicant also relied on the argument that if a prosecutor chooses not to prosecute, then the conduct cannot be considered in disqualification and that an arrest neither confirms nor denies conduct. No additional facts were offered regarding the specific conduct alleged.

**Basis #3. IV-G.2. Disqualification Based on Indebtedness**

**Basis #3 Findings Summary:** Because Applicant has not yet been hired or no date of hire has

been noted and by a preponderance of evidence, **Applicant DID** provide sufficient additional facts directly related to and/or adequately specified why Department erred in the factual determination underlying the disqualification decision as to **Basis #3. IV-G.2. Disqualification Based on Indebtedness.**

A debt is due and owing the City of Chicago by Applicant for unpaid parking tickets. Applicant does not dispute the debt, has a payment plan, and has chosen to wait to see if he is hired before paying them off entirely. No further findings are made as to other debt as the language of the standard cited by Department applies to debts owed to the City of Chicago. According to the language of the standard cited, it appears Applicant has up until the time of hire to pay off the debt. There is not a date of hire indicated.

**Basis #4. IV-I.1. Disqualification Base on False Statements or Omissions and/or Failure to Cooperate in the Application Process**

**Basis #4 Findings Summary:** As to disclosure of the alleged retail theft and by a preponderance of evidence, **Applicant DID** provide additional facts and/or adequately specified why the Department erred in the factual determinations underlying the disqualification decision.

**HOWEVER**, regarding the failure to disclose cannabis use, by a preponderance of evidence

**Applicant DID NOT** provide sufficient additional facts or adequately specify why the

Department erred in the factual determinations underlying the disqualification decision as to

**Basis #4. IV-I.1. Disqualification Base on False Statements or Omissions and/or Failure to Cooperate in the Application Process.**

As to the explanation of the retail theft, it appears Applicant explained what he thought he knew about the incident, and it was not alleged that he did not disclose it on his PHQ or in the Kentech background interview.

Applicant does not dispute that he did not disclose his use of cannabis on the PHQ or

disclose it during his background interview (although he terms it "exposure" rather than "use" in the Appeal (Appeal letter, p. 5)). It wasn't until the polygraph examination that he disclosed he had used it once in high school and that a few years prior to the exam he was given and ate an "edible" he claimed he did not know at the time contained cannabis. There was one "inconclusive" response to the questions on the polygraph exam regarding his involvement with illegal drugs. Applicant did not go further into detail about the circumstances of the "edible." The point is, he knew he used marijuana twice, even if it were to be believed the second time was inadvertent, and he should have disclosed it on the PHQ and at his background interview. Failing to list two incidents of marijuana use on BOTH the PHQ and during the background interview may have been unintentional, but it's harder to believe Applicant was twice asked about use about drug use and twice forgot to list the only two incidents of cannabis use, with his memory only refreshed once he was subjected to a polygraph exam. Whether intentional or not, it is an omission and failure to disclose all known information when requested that happened twice during the process.

#### **Basis #5. Minimum Qualifications**

**Basis #5 Findings Summary:** By a preponderance of evidence, **Applicant DID** provide additional facts and/or adequately specified why the Department erred in the factual determinations underlying the disqualification decision as to **Basis #5 Minimum Requirements** because Department did not indicate the dates encompassing the requirement of fulltime employment in the security industry for three years within the past four years.

Applicant asserts his security employment was full time for three years and that letters from the employers were submitted confirming the same. The Investigator reported that as to one employer, the information on the PHQ and the Kentech (background investigation report)

indicate parttime employment. Applicant did not provide the confirmation letters from the employers or the documentation of renewal of the PERC card with the Appeal. The PERC card expired May 31, 2018 and if Applicant renewed on December 20, 2022, then he would have been without the required documentation for three-and-a-half years until renewal. The language of the standard cited indicated fulltime employment for three years within the last four is required in lieu of formal education, but Department did not indicate from what date the four years is determined (i.e., date of application, exam date, date of hire).

### **CONCLUSIONS OF LAW**

Pursuant to the Municipal Code of Chicago (“MCC”) 2-84-030 the standard of review for appeals of disqualification and removal of an applicant’s name from the Eligibility List is that Applicant shall show by a preponderance of evidence that Department’s decision to remove the applicant from the Eligibility List was erroneous (MCC 2-84-035(c)). Therefore, according to the law and procedures, findings and recommendations are based upon whether Applicant’s Appeal shows by a preponderance of the evidence that Department erred in removing Applicant’s name from the Eligibility List, based upon the employment standards established by the Department. There are many reasons why individual conduct may not result in an arrest, or an arrest may not result in a case going to trial. The Appeals Officer is not charged with the duty or discretion to determine whether disqualification standards employed by Department violate laws, statutes or public policy or pass constitutional muster. Therefore, the Appeals Officer declines to make findings or recommendations as to those issues and/arguments.

Applicant **DID NOT** show by a preponderance of the evidence for all the bases presented that Department erred in the exercise of its decision to remove Applicant's name from the

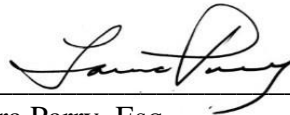


Eligibility List for the reasons stated herein.

**Recommendation**

Based on my 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,



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Laura Parry, Esq.  
Appeals Officer

Date: June 5, 2023

**POLICE BOARD DECISION**

The members of the Police Board of the City of Chicago have reviewed the Appeals Officer’s findings, conclusions, and recommendations.

The Police Board hereby adopts the Appeals Officer’s findings, conclusions, and recommendation by a vote of 8 in favor (Ghian Foreman, Paula Wolff, Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, Jorge Montes, and Andreas Safakas) 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: Ghian Foreman, Paula Wolff, Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, Jorge Montes, and Andreas Safakas.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15<sup>th</sup> DAY OF JUNE, 2023.

Attested by:

/s/ GHIAN FOREMAN  
President

/s/ MAX A. CAPRONI  
Executive Director