

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 23 AA 38**
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 August 15, 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 for the disqualification decision (“Notice”).

In a letter dated October 13, 2023, Applicant appealed this disqualification decision to the Police Board by filing a written request specifying why the Department of Police (“Department”) erred in the factual determinations underlying the disqualification decision and bringing to the Board’s attention additional facts directly related to the reason for the disqualification decision, pursuant to Section 2-84-035(b) of the Municipal Code of Chicago (“Appeal”).

On November 6, 2023, the Office of Public Safety Administration filed with the Police Board a copy of the Notice and its response to Applicant’s Appeal (“Response”). Applicant did not file a Reply. Police Board Appeals Officer Mamie Alexander has reviewed the Notice, Appeal, and Response.

APPEALS OFFICER’S FINDINGS, CONCLUSIONS, AND RECOMMENDATION

Appeals Officer Mamie Alexander, 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 the Parties

Applicant filed a timely appeal as provided by Section 2-84-035(b) of the Municipal Code of Chicago, and the Response was filed within the time period allowed by the Police Board Rules of Procedure.

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

IV. Pre-employment Investigation Standards for Applicants to the Position of Police Officer

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

1. 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. 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.

Applicant was disqualified for making false statements to Department's Background Investigator ("Investigator") regarding her resignation from the Wheeling Police Department ("WPD"). Specifically, Applicant informed the Investigator that she resigned from the WPD because it was not a good fit for her. Department asserts that this statement contradicts a letter in Applicant's WPD personnel file giving her the choice to either resign or face formal separation from the WPD.

Appeal and Response

Applicant appeals the decision, stating that she did not make false statements to the Investigator, and was erroneously disqualified. Applicant admits to making mistakes during her time at the WPD, but states that they were primarily in paperwork and report writing, which is normal for young officers. Applicant says that she was consistently called in to meet with her supervisors, and believes that she was judged more harshly than other officers at the same level. Following a few incidents where she was reprimanded by the WPD due to her performance, Applicant states that she was called into a final meeting regarding her employment.

Applicant maintains that as she recalls the meeting, she was never advised that she would be terminated. Instead, she was given two options: either WPD would begin an administrative review, or she could voluntarily resign. Applicant states that after considering the decline in morale and how the WPD no longer felt like the right fit for her, she concluded that the best course of action was to resign.

Department's Response states that the Appeal was reviewed, and Department relies upon the facts and evidence relating to the disqualification contained in Applicant's file. Department maintains that the Pre-Employment Disqualification Standard under which Applicant's disqualification decision was based upon is clear (namely, Disqualification Based on False

Statements or Omissions and/or Failure to Cooperate in the Application Process). Department states that the evidence in Applicant's file supports its decision to disqualify Applicant from hiring, and Department is within its right to do so, citing *Apostolov v. Johnson*, 2018 IL App (1st) 173084; ¶¶ 24, 31 and *Johnson v. O'Connor*, 2018 IL App (1st) 171930, ¶¶ 16-17, 20. Department also notes that Applicant's refusal to divulge certain information was extremely troubling, and would serve as grounds for disqualification.

Findings of Fact

Filings were timely.

Department provided the factual basis for its decision to disqualify Applicant and remove her name from the Eligibility List. Department determined that Applicant's false statements regarding her resignation from the WPD were grounds for disqualification. Department articulated the Standard by which the conduct was assessed by section and paragraph, and articulation of the Standard gives reasonable notice as to the basis for disqualification.

During her interview with the Investigator, Applicant was specifically asked whether she resigned in lieu of termination, which she denied. However, Applicant's personnel file contains a letter (dated February 3, 2023) from the WPD's Deputy Chief stating that after a review of Applicant's performance during her probation and extended probation, Applicant could "either resign or face formal separation from the department." Shortly thereafter, Applicant resigned. Department asserts that this letter directly contradicts Applicant's assertion that she did not resign in lieu of termination.

In her Appeal, Applicant provides additional details regarding her employment with the WPD, along with the events leading to her resignation. Applicant states that she was hired by the WPD in January, 2021, and spent the first few years serving as an assistant squad leader and

physical training class leader. She states that she was advanced through each step by four different field training officers, then released to solo patrol.

Applicant states that her time on solo patrol came with both successes and challenges, and that she built strong relationships with the community and took advantage of additional training opportunities. Applicant admits that at times she made mistakes, but stresses that they mostly involved paperwork and report writing. She states that she received verbal reprimands but was initially told that her mistakes were normal for young officers. After a while, Applicant began to feel that her supervisors were “hyper-focused” on her mistakes, and that she received more negative feedback than other officers who made the same mistakes. Applicant says that while she understood the need for correction, she felt that it was heavy-handed in her case.

Applicant includes details from the final two incidents that led to her resignation from the WPD. The first involved a traffic stop in which Applicant arrested the driver for DUI. After another officer recovered a firearm from the vehicle, Applicant (with her supervisor present) also charged the driver with unlawful use of a weapon. It was later discovered that the driver had a license for the firearm, and Applicant was reprimanded even though her supervisor was present and observed the error.

The second incident involved Applicant’s temperament when responding to a verbal dispute between a 7-11 employee and a customer. Applicant admitted that she was “curt” with the employee during the interaction, and the employee later complained to the WPD about her discourteous behavior. As a result, a meeting was called to discuss Applicant’s “poor attitude.”

On February 3, 2023, Applicant had a meeting with the WPD Deputy Chief, commander of patrol, and day shift sergeant, along with her union representative. Applicant states that from her recollection of the meeting, she was given two options: either WPD “would begin an

administrative review” on her, or she could “resign of her own accord.”

Applicant stresses that even if the administrative review did not lead to her termination, resignation was the best course of action because the WPD no longer felt like the right fit for her. Therefore, she submitted her resignation letter. Applicant states that she recently read the WPD’s February 3, 2023 letter from her personnel file, and it does not reflect her recollection of the meeting. Applicant maintains that at no time did she knowingly provide a false statement to the Investigator.

Conclusions of Law

Section IV. of the Bureau of Support Services Special Order contains the Pre-Employment Investigation Standards for Applicants to the Position of Police Officer (“Standards”) that are applicable to this Appeal.

Section I (1) of the Standards states: “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.” Furthermore, “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.” A failure to cooperate can include “**failure to fully disclose all known information requested, whether it is beneficial or prejudicial to the applicant**” and/or “**making false or misleading statements in connection with any part of the application process.**” (emphasis added)

Department alleges that Applicant’s statement to the Investigator that she did not resign in lieu of termination was a false statement, and grounds for disqualification. It also alleged that she failed to cooperate with the application process by failing to fully disclose the facts of

her resignation to the Investigator. As a result, Applicant made false statements or omissions, and failed to cooperate in the application process, in violation of Section I(1) of the Standards.

Applicant states that Department's decision to disqualify her was based on a single-and mistaken-basis. She states that she never made a false statement to the Investigator, and that she was not forced to resign in lieu of termination. She states that her statements to the Investigator were truthful, and that the WPD letter in her personnel file does not reflect her recollection of the meeting.

Department's Response relies on the information contained in the Notice, and fails to specifically address the explanation provided in Applicant's Appeal. Specifically, Department fails to present evidence (or even assert) that Applicant received and/or reviewed the February 3, 2023 letter in her WPD personnel file. Department also does not rebut Applicant's assertion that she resigned in lieu of an administrative review as opposed to resigning in lieu of termination.

Throughout her Appeal, Applicant reiterates that she resigned because the job was not a good fit for her. She maintains that she never made a false statement to the Investigator, and states that at worst, she misunderstood the Deputy's discussion of an administrative review. Applicant argues that she is an ideal candidate to serve as a CPD officer, and that her disqualification was erroneous.

While Department asserts that Applicant's statement to the Investigator "directly contradicts" the February 3, 2023 letter from the WPD Deputy Chief, there is nothing in the record to confirm that Applicant resigned in lieu of termination. The letter contained in Applicant's WPD personnel file does not, in and of itself, prove that Applicant made a false statement or omission or failed to cooperate in the application process.

Because this was the sole basis for Applicant's disqualification, Applicant has shown, by a preponderance of the evidence, that the decision to remove her from the Eligibility List was erroneous.

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 **reversed**.

Respectfully submitted,

/s/ Mamie A. Alexander

Mamie Alexander
Appeals Officer

Date: January 12, 2024

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 9 in favor (Kyle Cooper, Paula Wolff, Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, Michael Eaddy, Ghian Foreman, 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 **reversed** and she is **reinstated to the eligibility list**.

This decision and order are entered by a majority of the members of the Police Board: Kyle Cooper, Paula Wolff, Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, Michael Eaddy, Ghian Foreman, and Andreas Safakas.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18th DAY OF JANUARY, 2024.

Attested by:

/s/ KYLE COOPER
President

/s/ MAX A. CAPRONI
Executive Director