

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER DAVID SALGADO,) **No. 20 PB 2979**
STAR No. 16347, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT.) **(CR No. 2019-4302)**

FINDINGS AND DECISION

On September 24, 2020, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer David Salgado, Star No. 16347 (hereinafter referred to as “Respondent”), recommending the Respondent be discharged from the Chicago Police Department for violating several Rules of Conduct, which set forth expressly prohibited acts.

A hearing on these charges against Respondent took place before Hearing Officer Lauren Freeman on June 3, 2021, via Zoom video conferencing. Following this evidentiary hearing, the members of the Police Board read and reviewed the record of the proceedings, including the Hearing Officer’s Report (neither party filed a response to this report), and viewed the video recording of the entire evidentiary hearing. Hearing Officer Freeman made an oral report to and conferred with the Board before it rendered its findings and decision.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon Respondent not fewer than five (5) days before the date of the initial status hearing for this case.

3. The Respondent was properly notified of the June 3, 2021, evidentiary hearing by both first-class and certified U.S. mail to the federal prison in which he is currently incarcerated. Respondent did not appear at the evidentiary hearing. Hearing Officer Freeman proceeded with this hearing in Respondent's absence in accordance with Section III-F of the Police Board's Rules of Procedure.

Introduction

4. On October 22, 2019, Respondent was found guilty by a jury in the United States District Court under case number 18 CR 00286(2) of violating: United States Code Title 18, Sec. 371 Conspiracy to Steal Property in the Care, Custody and Control of the Chicago Police Department; Title 18, Sec. 241 Conspiracy to Violate Fourth Amendment Rights of Certain Chicago Residents; Title 18, Sec. 641 Public Money, Property, or Records; Title 18, Sec. 1001(a)(2) Making Materially False Statement to a Federal Agent; and Title 18, Sec. 1519 Destroying Records with the Intent to Impede an Investigation of Any Matter within the Jurisdiction of the FBI. On July 15, 2020, he was sentenced to 71 months in prison and is currently incarcerated at the United States Penitentiary Lewisburg in Pennsylvania. On October 28, 2019, the Illinois Law Enforcement Training and Standards Board decertified Respondent on the basis of his federal felony convictions, as required by Illinois law.

Charges Against the Respondent

5. The Respondent, Police Officer David Salgado, Star No. 16347, charged herein, is **guilty** of violating Rule 2 and Rule 3 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about October 28, 2019, the Illinois Law Enforcement Training and Standards Board decertified Officer David Salgado's previous certification and ability to practice as a law enforcement officer in Illinois under 50 ILCS 705/6.1, as a result of being found guilty on October 22, 2019, in United States District Court, under case 18 CR 00286(2), of a violation of Title 18, United States Code Section 371 Conspiracy to Steal Property in the Care, Custody and Control of the Chicago Police Department, and/or Title 18, United States Code Section 241 Conspiracy to Violate Fourth Amendment Rights of Certain Chicago Residents, and/or Title 18, United States Code Section 641 Public Money, Property, or Records, and/or Title 18, United States Code Section 1001(a)(2) Making Materially False Statement to a Federal Agent, and/or Title 18, United States Code Section 1519 Destroying Records with the Intent to Impede an Investigation of Any Matter within the Jurisdiction of the FBI, a conviction deemed to be a decertification under the Illinois Police Training Act, 50 ILCS 705/1, *et seq.* Officer Salgado thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department; and
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.

See the findings set forth in Section no. 4 above, which are incorporated herein by reference. The Superintendent provided the Board with proof of Respondent's conviction and sentence in the federal court. In addition, the Superintendent put into evidence the letter from the Illinois Law Enforcement Training and Standards Board decertifying Respondent as a law enforcement officer, as well as the statutory basis for his decertification. Respondent failed to attend the hearing before Hearing Officer Freeman, either personally or through counsel, and offered no defense to the charges against him or the evidence offered by the Superintendent. His conviction and decertification bring discredit upon the Department and constitute a failure to

promote the Department's efforts to accomplish its goal of promoting respect for the law and those sworn to enforce it, thereby violating Rules 2 and 3 of the Department's Rules of Conduct.

Disciplinary Action

6. The Police Board has considered the facts and circumstances of Respondent's conduct, and Respondent's complimentary and disciplinary histories.¹

Under Illinois law, Respondent, a convicted felon, no longer possesses the required certification and ability to practice as a law enforcement officer. In addition, it would be a felony for Respondent to continue to serve as a Chicago police officer. Respondent's decertification by the Illinois Law Enforcement Training and Standards Board constitutes a substantial shortcoming which renders his continuance in his office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something that the law recognizes as good cause for him to no longer occupy his office.

[The remainder of this page is left blank intentionally.]

¹ As noted above, the Respondent did not appear at the June 3, 2021, hearing to offer any evidence in defense or mitigation.

POLICE BOARD DECISION

The members of the Police Board of the City of Chicago hereby certify that they have read and reviewed the record of the proceedings, viewed the video-recording of the entire evidentiary hearing, received the oral report of the Hearing Officer, and conferred with the Hearing Officer regarding the evidence made part of the record at the hearing. The Police Board hereby adopts the findings set forth herein by the following votes.

By a vote of 5 in favor (Ghian Foreman, Paula Wolff, Steve Flores, Jorge Montes, and Andrea L. Zopp) to 0 opposed, the Board finds Respondent **guilty** of the charges in Specification No. 1, as set forth in Section No. 5 above.

As a result of the foregoing and for the reasons set forth in Section No. 6 above, the Board, by a vote of 5 in favor (Foreman, Wolff, Flores, Montes, and Zopp) to 0 opposed, hereby determines that cause exists for discharging Respondent from his position as a police officer.

NOW THEREFORE, IT IS HEREBY ORDERED that David Salgado, Star No. 16347, as a result of having been found **guilty** of all charges in Police Board Case No. 20 PB 2979, be and hereby is **discharged** from his position as a police officer and from the services of the City of Chicago.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Steve Flores, Jorge Montes, and Andrea L. Zopp.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19th DAY OF AUGUST, 2021.

Police Board Case No. 20 PB 2979
Police Officer David Salgado
Findings and Decision

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

The following members of Board hereby dissent from the findings and decision of the majority of the Board.

[None]

RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2021.

DAVID O. BROWN
Superintendent of Police