

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER DANNY SALGADO,) **No. 16 PB 2916**
STAR No. 17193, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 1061399)**
RESPONDENT.)

FINDINGS AND DECISION

On October 25, 2016, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Danny Salgado, Star No. 17193 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct:

- Rule 1: Violation of any law or ordinance.
- Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10: Inattention to duty.
- Rule 14: Making a false report, written or oral.
- Rule 15: Intoxication on or off duty.
- Rule 38: Unlawful or unnecessary use or display of a weapon.

The Police Board caused a hearing on these charges against the Respondent to be had before Hearing Officer Jacqueline A. Walker on March 28, April 5, May 4, and May 9, 2017.

Following the hearing, the members of the Police Board read and reviewed the record of

the proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Walker made an oral report to and conferred with the Police 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. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.
2. The written charges, and a Notice stating when and where a hearing on the charges was to be held, were personally served upon the Respondent more than five (5) days before the date of the initial status hearing of this case.
3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.
4. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that the Superintendent proved by a preponderance of the evidence the following charge:

On or about April 12, 2013, in the vicinity of Madison Street and Racine Avenue in Chicago, and/or in the vicinity of 2618 South Farrell Street in Chicago, or for some distance therein, Police Officer Salgado, while off duty, drove and/or was in actual physical control of a motor vehicle, while the alcohol concentration in his blood or breath was 0.08 or more, and/or while he was under the influence of alcohol, in violation of 625 ILCS 5/11-501(a)(1) and/or (2).

Police Officer Salgado testified that on April 11, 2013, from about 9:30 p.m. to April 12, 2013, at about 2:00 a.m., while off-duty, he was at the West End Bar, located at Madison Street and

Racine Avenue, where he consumed alcoholic drinks. Officer Salgado testified further that when he left the bar, he drove his vehicle to 2618 South Farrell Street, Chicago (“Farrell”), arriving at this location shortly thereafter. He also admitted in his testimony to being intoxicated while at the Farrell address, and testified that he drank several beers while in his car after arriving at the Farrell address. However, Police Officer Cynthia Ortiz testified that while she was at the Farrell address around the time of the charges, she observed Officer Salgado, who appeared to be intoxicated, and that she searched Officer Salgado’s vehicle and did not find any empty beer containers there, contradicting Officer Salgado’s testimony that he consumed the beers in his car.

Officer Salgado was administered a breathalyzer test at 5:41 a.m., approximately two hours after the incident as charged; the result of the test was 0.08, indicating that Officer Salgado was legally intoxicated at that time; the Respondent stipulated to these test results. Accordingly, at two hours prior to the breathalyzer test, at about 2:00 a. m - 3:00 a. m., Officer Salgado’s alcohol level was at a minimum 0.08 (and undoubtedly higher) while he was at the West End Bar, and while he was driving from the West End Bar to the Farrell address, in violation of 625 ILCS 5/11-501(a)(1) and/or (2).

5. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about April 12, 2013, in the vicinity of Madison Street and Racine Avenue in Chicago, and/or in the vicinity of 2618 South Farrell Street in Chicago, or for some distance therein, Police Officer Salgado, while off duty, drove and/or was in actual physical control of a motor vehicle, while the alcohol concentration in his blood or breath was 0.08 or more, and/or while he was under the influence of alcohol.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

6. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count II: On or about April 12, 2013, in the vicinity of Madison Street and Racine Avenue in Chicago, and/or in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado was intoxicated, while off duty.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

7. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count III: On or about April 12, 2013, in the vicinity of Madison Street and Racine Avenue in Chicago, and/or in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado, while off duty, was in possession of or carrying a firearm, although there was a likelihood that he would be consuming alcoholic beverages and/or that he had been consuming alcoholic beverages.

Officer Salgado testified that when he arrived at the Farrell address he removed his 38 Smith & Wesson gun from his vehicle and had it in his possession when he went on the porch of the house. Officer Salgado further testified that he consumed alcoholic drinks while at the West

End Bar at Madison Street and Racine Avenue, prior to going to Farrell and again while in his car at the Farrell address.

Officer Salgado's having his weapon with him after having consumed alcoholic beverages and while he was on the porch of the Farrell house resulted in that weapon being discharged, and the resulting incident as charged, which brought discredit to the Department.

8. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count IV: On or about April 12, 2013, in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado, while off duty, unnecessarily displayed his weapon in that, at one point or another, he had it in his hand and/or on his leg and/or by his side and/or in his lap and/or on the porch/deck.

Officer Salgado testified that while he was on the Farrell porch he had his weapon in his hand, causing it to discharge, resulting in the incident in the charges; and further testified that after the gun discharged it was by his side, next to him while he was lying on the porch.

Officer Salgado's testimony failed to give any justified or necessary reason for him to have his weapon in his hand while he was on the Farrell porch.

The resulting incident and the effects of it failed to achieve the Department policies and goals and brought discredit to the Department.

9. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count V: On or about April 12, 2013, in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado, while off duty, unlawfully and/or unnecessarily discharged his firearm in order to scare Kristy Conroyd, whom Officer Salgado was or had been dating and/or had just broken up with; Jillian Michalak; Janice Michalak; Joseph Michalak and/or Michelle Michalak; and/or to mislead one or more of these individuals into believing that he had shot or injured himself.

Jillian Michalak testified for the Superintendent that on April 12, 2013, she lived at the Farrell address and at the time indicated in the charges she and Kristy Conroyd were awakened by the sound of a gunshot. She testified further that when she went to the porch of the house, she saw Officer Salgado lying on the porch holding his leg; she thought he had been shot. She stated that Officer Salgado, while lying on the porch, was crying and convulsing.

In her testimony, she also stated that at the time of the incident her brother was asleep on the couch in the living room located just inside of the house from the porch, as well as the 4-year-old daughter of Michele Michalak was upstairs asleep in the house.

The Superintendent's witness, Janice Michalak, testified that she is Jillian Michalak's mother, residing next door to Farrell at 2620 South Farrell Street, Chicago, and that she and her husband own both buildings. She also testified that on the day and time indicated in the charges she was awakened by the sound of a gunshot; she ran to her balcony, looked down at the porch of Farrell and saw Officer Salgado lying on the porch holding his leg, as well as Kristy Conroyd and Jillian Michalak on the porch over him. She then called 911 and reported that there had been an accidental shooting of a police officer, even though she did not recall who informed her that this was an accidental shooting. As a result of her 911 call, approximately 15 police cars and an ambulance arrived on the scene.

Janice Michalak testified further that following the incident, it was discovered that the bullet from Officer Salgado's gun lodged in the beam at the top of the Farrell porch, and it still remains there.

Officer Salgado testified on his behalf that on the day in question, while he was on the Farrell porch, his gun accidentally discharged when he was attempting to re-holster it and denied that he intentionally fired his gun to scare Kristy Conroyd. He further testified that when Kristy Conroyd came onto the porch after the gun discharged, he immediately informed her that the gun had accidentally discharged.

Notwithstanding Officer Salgado's maintaining that his gun accidentally discharged, the testimony of the Superintendent's expert witness, Joseph Keating, contradicted the testimony of Officer Salgado. Mr. Keating testified that he is the Section Chief for the Forensics Firearms Laboratory for the Chicago Police Department, and the Laboratory processes discharged firearms and other evidence that is firearms related. Prior to this current position, he was an evidence technician for the Department where he processed several crime scenes, has had extensive training with the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives, has had training as a certified range instructor and homeland security training with firearms, has an extensive background in ballistics, firearms, the safekeeping of firearms, handling of firearms, gunsmithing and anything related to firearms and ballistics, and has experience with accidental shootings and bullet trajectory issues.

In preparation for his testimony, Mr. Keating reviewed Officer Salgado's Independent Police Review Authority (IPRA) statement, photographs of the scene where the charged incident took place, Sergeant David DeMato's IPRA statement, a crime scene report, an inventory report for the gun, the firearms worksheet, a tactical support report, and Officer Salgado's gun ("the

gun”) that was discharged. He further testified that the gun has a trigger guard preventing accidental discharge, and that the gun has several safety features: the gun is double action only, which means the trigger has to not only pull back the hammer but also has to release the hammer; with the cylinder open the trigger cannot be pulled; even if the gun fell it would not be able to go off unless the trigger is being pulled; and 12-14 pounds of pressure are needed for the trigger to be pulled, which requires more energy than a typical duty weapon in order to pull the trigger.

Mr. Keating testified that he visited the scene of the incident and using a boroscope found the bullet from Officer Salgado’s gun in a bullet hole lodged in the soffit area above the porch at the Farrell address. He pointed out that Officer Salgado’s testimony that his gun accidentally discharged while it was being tucked into Officer Salgado’s waistband was inconsistent with where the bullet lodged. He testified further that in order for the bullet to land where it did, the gun had to be facing up when it was fired, and that it would not have been possible for Officer Salgado to shoot his gun upward even if he were falling.

The Respondent’s expert witness, Arthur Borchers, supported Officer Salgado’s testimony that his gun was accidentally discharged while he was falling.

Mr. Borchers testified that he was formerly a detective for the Oak Park, Illinois, Police Department, and in this capacity he investigated crime scenes and served as an evidence technician. He stated that he utilizes reconstruction in his investigations by taking pieces of an incident and putting them back together. His testimony was that through pictures he took from various positions of the Farrell scene and utilizing a laser system for measurement, he reconstructed a three dimensional model of the scene giving depth, scale and an accurate relationship, as well as produced a trajectory rod of Officer Salgado’s bullet. He finally added an image of a body to his presentation that was a depiction of Officer Salgado’s falling at the scene.

He explained further that through bilateral grasp reflex, which is a component of a startled reflex, the body may react involuntarily to certain movement, resulting in one's being taught to remove one's finger from a trigger of a gun. His conclusion was that Officer Salgado had an unintentional firing of his gun due to bilateral grasp reflex.

When questioned further regarding his opinion, Mr. Borchers agreed that his opinion would be based on the credibility of Officer Salgado's version of how his gun discharged during the incident as charged, and responded that he did not use a boroscope or actually view where the bullet lodged, but rather used the Department's pictures to acquire this information. Finally, he stated that notwithstanding all the safety designs on Officer Salgado's gun, it could have still fired based on bilateral grasp reflex.

The testimony of the Respondent's expert is unpersuasive as it is based on the credibility of Officer Salgado that he fell while attempting to re-holster his gun. Officer Salgado's version of events is rejected as not being credible. Furthermore, it is not convincing that with the safety designs of Officer Salgado's gun that bilateral grasp reflex would be applicable here, and for these reasons Mr. Borchers' opinion fails to counter that of Mr. Keating.

In conclusion, the actions of Officer Salgado resulted in bringing discredit to the Department in violation of its Rule.

10. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count VI: On or about April 12, 2013, in the vicinity of 2618 South Farrell Street in Chicago,

Police Officer Salgado, while off duty, engaged in conduct that misled Kristy Conroyd, whom Officer Salgado was or had been dating and/or had just broken up with; Jillian Michalak; Janice Michalak and/or Joseph Michalak into believing that he had shot or injured himself. Such conduct included, but is not limited to, unnecessarily discharging his weapon, and/or lying down on the porch/deck, and/or holding his leg, and/or closing his eyes and/or convulsing and/or crying.

See the findings set forth in paragraph no. 9 above, which are incorporated here by reference.

11. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count VII: On or about April 12, 2013, in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado, while off duty, created a disturbance in that he was intoxicated; unnecessarily discharged his weapon; lay down on the porch/deck, held his leg, closed his eyes, and/or otherwise pretended to be injured or shot; caused his neighbors/residents to be woken up in the early hours of the morning or the middle of the night; and/or caused police and fire personnel to be dispatched to the area.

Based on the testimony of Police Officer Patrick Grube, the Department responded to the 911 telephone call as a 10-1, top priority, officer needs assistance. When Officer Grube received the call, he activated his emergency lights and siren and rushed to the Farrell address. He described the scene as chaotic when he arrived at the Farrell address with several police cars and an ambulance being present and several people standing around talking. He stated that that he did not observe anyone injured

Testimony was also obtained from Sergeant David DeMato wherein he stated that on the day and time in question, he responded to a dispatcher's call of shots fired and officer down, which is the highest priority call, and he speed to the Farrell address with his emergency lights and siren

on. He stated further that when he arrived there were several police cars and an ambulance present; he sought out Officer Salgado and interviewed him. He also testified that Officer Salgado reported to him that Officer Salgado's gun accidentally discharged when Officer Salgado was re-holstering it in his waistband. Sergeant DeMato concluded that Officer Salgado appeared intoxicated at that time, and as a result, Sergeant DeMato completed a Tactical Response Report (TRR), even though this would have been the responsibility of Officer Salgado to complete, but was unable to do so because of Officer Salgado's intoxicated condition. Furthermore, in response to his question to Officer Salgado, Officer Salgado stated he was not aware where his gun was at that time.

Finally, Sergeant DeMato testified that police officers at the time of the incident looked for the bullet from Officer Salgado's gun in the floor of the porch and the ground next to the porch, but did not find it at that time.

These witnesses' testimonies again indicate that the Department's policies and procedures were violated, bringing discredit to the Department.

12. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count VIII: On or about April 12, 2013, in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado, while off duty, failed to secure his weapon after discharging it.

In further testimony obtained from Jillian Michalak, she stated that while she was on the porch of the Farrell address, and while Officer Salgado was lying on the porch, she took Officer

Salgado's gun from his side and placed it by the mailbox on the porch.

Additionally, Officer Grube testified that while he was on the scene on the day and time of the incident, he found Officer Salgado's gun by the mailbox, that the gun was inventoried, and that he gave the gun to Sergeant DeMato at the time he found it.

Sergeant DeMato confirmed receipt of the gun from Officer Grube in Sergeant DeMato's testimony.

Failure of Officer Salgado to secure his weapon is in violation of the Department's policies and procedures, and brought discredit to the Department.

13. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count IX: On or about April 12, 2013, in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado, while off duty, stated or yelled, "I can't believe you assholes actually called the cops," or words to that effect, which was directed towards Kristy Conroyd, whom Officer Salgado was or had been dating and/or had just broken up with; Jillian Michalak; Janice Michalak and/or Joseph Michalak.

Jillian Michalak further testified that on the day and time of the incident, while she was on the front porch of the Farrell address, when Officer Salgado was informed that the police had been called, Officer Salgado jumped up and stated "I can't believe you assholes actually called the cops".

In collaboration of Jillian Michalak's testimony, Sergeant DeMato confirmed that later in the same day of the incident, Jillian Michalak reported to him that at the time of the incident as charged, Officer Salgado called them "assholes" for having called the police.

This action of Officer Salgado again brings discredit upon the Department.

14. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count X: On or about January 6, 2014, and/or on or about April 23, 2015, during a statement(s) given to the Independent Police Review Authority, Police Officer Salgado falsely stated that on or about April 12, 2013, he accidentally discharged his weapon, or stated words to that effect, when in fact he intentionally discharged his weapon.

Through the testimonies of the witnesses as reported above, it can be concluded that Officer Salgado was not credible in his reports to IPRA on January 6, 2014, and April 23, 2015, when he stated he accidentally discharged his weapon during the charged incident. Instead, based on the witnesses' testimonies it can be concluded that Officer Salgado intentionally fired his gun while on the porch of the Farrell address on the day and time in question. Accordingly, his IPRA statements that his gun accidentally discharged was in violation of the Department's policies and procedures resulting in discredit being brought upon the Department.

15. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count XI: On or about January 6, 2014, and/or on or about April 23, 2015, during a statement(s) given to the Independent Police Review Authority, Police Officer Salgado denied that on or about April 12, 2013, he stated, "I can't believe you assholes actually called the

cops,” or that he stated words to that effect, when in fact he did state words to that effect.

Credible testimony was obtained from Jillian Michalak that Officer Salgado did make this statement on the day and time in question. This testimony was buttressed by that of Sergeant DeMato when he interviewed Jillian Michalak, and as further noted above.

Accordingly, Officer Salgado’s denying his making this statement in his IPRA statements is in violation of the Department’s policies and procedures, resulting in discredit being brought upon the Department.

16. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count XII: On or about April 12, 2013, in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado falsely reported to Sergeant David DeMato that he accidentally discharged his weapon while attempting to tuck it in his waistband and/or to re-holster it, or stated words to that effect, when in fact he intentionally discharged his weapon.

Sergeant DeMato’s testimony as reported above indicated that Officer Salgado told him on the day and time in question that Officer Salgado accidentally discharged his weapon while attempting to tuck his gun in his waistband. However, based on the totality of the testimonies obtained during the hearing, and particularly that of the Department’s expert witness, Mr. Keating, the firing of Officer Salgado’s weapon at the time of the charged incident was intentional; the result of which is that Officer Salgado gave a false report to Sergeant DeMato.

Again, Officer Salgado’s actions violated the Department’s policies and procedures, bringing discredit upon the Department.

17. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that the Superintendent proved by a preponderance of the evidence the following charge:

On or about April 12, 2013, in the vicinity of Madison Street and Racine Avenue in Chicago, and/or in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado, while off duty, was in possession of or carrying a firearm, although there was a likelihood that he would be consuming alcoholic beverages and/or that he had been consuming alcoholic beverages, in violation of Uniform and Property U04-02.

See the findings set forth in paragraph no. 7 above, which are incorporated here by reference.

18. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

On or about April 12, 2013, in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado, while off duty, stated or yelled, "I can't believe you assholes actually called the cops," or words to that effect, which was directed towards Kristy Conroyd, whom Officer Salgado was or had been dating and/or had just broken up with; Jillian Michalak; Janice Michalak and/or Joseph Michalak.

See the findings set forth in paragraph no. 13 above, which are incorporated here by reference.

19. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

On or about April 12, 2013, in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado, while off duty, stated or yelled, "I can't believe you assholes actually called the cops," or words to that effect, which was directed towards Kristy Conroyd, whom Officer Salgado was or had been dating and/or had just broken up with; Jillian Michalak; Janice Michalak and/or Joseph Michalak.

See the findings set forth in paragraph no. 13 above, which are incorporated here by reference.

20. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

On or about April 12, 2013, in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado, while off duty, failed to secure his weapon after discharging it.

See the findings set forth in paragraph no. 12 above, which are incorporated here by reference.

21. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about January 6, 2014, and/or on or about April 23, 2015, during a statement(s) given to the Independent Police Review Authority, Police Officer Salgado falsely stated that on or about April 12, 2013, he accidentally discharged his weapon, or stated words to that effect, when in fact he intentionally discharged his weapon.

The Department called Commander Robert Klimas, of the Bureau of Internal Affairs (BIA)

to testify in aggravation of the charges as to the seriousness of a Rule 14 violation. He noted that the rule prohibits a police officer from engaging in or giving oral or written reports that are untrue. He further stated that oftentimes the BIA gets requests as to a police officer's record for truthfulness, prior to that police officer's being called to testify in a criminal case; violation of this rule affects the credibility and integrity of police officers testifying in court. Finally, he stated that a violation must be a willfully untrue statement, and the Department generally seeks separation from service for violation of this rule.

Furthermore, see the findings set forth in paragraph no. 14 above, which are incorporated here by reference.

22. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count II: On or about January 6, 2014, and/or on or about April 23, 2015, during a statement(s) given to the Independent Police Review Authority, Police Officer Salgado denied that on or about April 12, 2013, he stated, "I can't believe you assholes actually called the cops," or that he stated words to that effect, when in fact he did state words to that effect.

See the findings set forth in paragraph nos. 15 and 21 above, which are incorporated here by reference.

23. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count III: On or about April 12, 2013, in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado falsely reported to Sergeant David DeMato that he accidentally discharged his weapon while attempting to tuck it in his waistband and/or to re-holster it, or stated words to that effect, when in fact he intentionally discharged his weapon.

See the findings set forth in paragraph nos. 16 and 21 above, which are incorporated here by reference.

24. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 15: Intoxication on or off duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

On or about April 12, 2013, in the vicinity of Madison Street and Racine Avenue in Chicago, and/or in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado was intoxicated, while off duty.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

25. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 38: Unlawful or unnecessary use or display of a weapon,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about April 12, 2013, in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado, while off duty, unnecessarily displayed his weapon in that, at one point or another, he had it in his hand and/or on his leg and/or by his side and/or in his lap and/or on the porch/deck.

See the findings set forth in paragraph no. 8 above, which are incorporated here by reference.

26. The Respondent, Police Officer Danny Salgado, Star No. 17193, charged herein, is **guilty** of violating, to wit:

Rule 38: Unlawful or unnecessary use or display of a weapon,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count V: On or about April 12, 2013, in the vicinity of 2618 South Farrell Street in Chicago, Police Officer Salgado, while off duty, unlawfully and/or unnecessarily discharged his firearm in order to scare Kristy Conroyd, whom Officer Salgado was or had been dating and/or had just broken up with; Jillian Michalak; Janice Michalak; Joseph Michalak and/or Michelle Michalak; and/or to mislead one or more of these individuals into believing that he had shot or injured himself.

See the findings set forth in paragraph no. 9 above, which are incorporated here by reference.

27. The Police Board has considered the facts and circumstances of the Respondent's conduct, and the evidence presented in defense and mitigation.

The Respondent offered the following evidence in mitigation, which the Board has considered thoroughly. Three former partners of the Respondent testified credibly that he was a good police officer, honest and hard-working, and that they never observed him act in an irresponsible manner; all three recounted specific examples of positive work by the Respondent. The Respondent, who joined the Police Department in 2001, has a complimentary history of 51 total awards, including 2 Department commendations, 36 honorable mentions, and 4 emblems of recognition for physical fitness; he has no sustained complaints on his disciplinary history.

Nevertheless, the Respondent's accomplishments as a police officer, his former partners' testimony as to his work and character, and the lack of prior disciplinary history do not mitigate the seriousness of his misconduct.

The Respondent acted in a highly irresponsible manner while intoxicated. His decisions to

drive while under the influence of alcohol and to possess and intentionally discharge his weapon while drunk display a gross disregard for the safety of members of the public, and an unacceptable lack of judgment and self-control. This behavior is incompatible with continued service as a police officer. Returning him to duty as a sworn officer, armed and authorized to use deadly force, would pose an unacceptable risk to the safety of the public.

In addition, the Respondent attempted to cover up his actions by falsely denying that he engaged in misconduct when he reported to a supervisor on the scene and when he gave statements to the Independent Police Review Authority. The Respondent's intentional and material false statements also render him unfit to be a Chicago police officer. Trustworthiness, reliability, good judgment, and integrity are all material qualifications for any job, particularly one as a police officer. The duties of a police officer include making arrests and testifying in court, and a police officer's credibility is at issue in both the prosecution of crimes and in the Police Department's defense of civil lawsuits. A public finding that an officer has made intentional material false statements is detrimental to the officer's ability to perform all of his responsibilities, including his credibility as a witness, and, as such, is a serious liability to the Department. See *Rodriguez v. Weis*, 408 Ill.App.3d 663, 671, 946 N.E.2d 501, 507 (1st Dist. 2011).

The Board finds that the Respondent's conduct is sufficiently serious to constitute a substantial shortcoming that 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.

POLICE BOARD DECISION

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following votes:

By votes of 9 in favor (Lori E. Lightfoot, Ghian Foreman, Eva-Dina Delgado, Michael Eaddy, Steve Flores, Rita A. Fry, John P. O'Malley Jr., John H. Simpson, and Rhoda D. Sweeney) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 1, Rule 2, Rule 6, Rule 8, and Rule 9, Rule 10, Rule 14, Rule 15, and Rule 38.

As a result of the foregoing, the Board, by a vote of 9 in favor (Lightfoot, Foreman, Delgado, Eaddy, Flores, Fry, O'Malley, Simpson, and Sweeney) to 0 opposed, hereby determines that cause exists for discharging the Respondent from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Danny Salgado, Star No. 17193, as a result of having been found **guilty** of all charges in Police Board Case No. 16 PB 2916, be and hereby is **discharged** from his position as a police officer with the Department of Police, 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: Lori E. Lightfoot, Ghian Foreman, Eva-Dina Delgado, Michael Eaddy, Steve Flores, Rita A. Fry, John P. O'Malley Jr., John H. Simpson, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY OF JULY, 2017.

Police Board Case No. 16 PB 2916
Police Officer Danny Salgado

Attested by:

/s/ LORI E. LIGHTFOOT
President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

The following members of the Police 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 _____, 2017.

EDDIE T. JOHNSON
Superintendent of Police