

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER JOHN WELCH,) **No. 16 PB 2906**
STAR No. 7551, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 1068387)**
RESPONDENT.)

FINDINGS AND DECISION

On May 2, 2016, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer John Welch, Star No. 7551 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating the following Rule of Conduct:

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

The Police Board caused a hearing on these charges against the Respondent to be had before Hearing Officer Thomas E. Johnson on August 5, 2016.

Following this hearing, the members of the Police Board read and reviewed the record of the proceedings. Hearing Officer Johnson 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 the initial status hearing will be held, were personally served upon the Respondent more than five (5) days before the date of the initial status hearing.

3. The Respondent was properly notified of the August 5, 2016, hearing by both first-class and certified U.S. mail to the address listed on the notice of charges. The Respondent did not appear at the August 5, 2016, hearing. The hearing officer proceeded with this hearing in the Respondent's absence in accordance with the Police Board *Rules of Procedure*, Section III-G.

4. The Respondent, Police Officer John Welch, Star No. 7551, 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:

On or about October 16, 2014, the Illinois Law Enforcement Training and Standards Board decertified your previous certification and ability to practice as a law enforcement officer in Illinois under 50 ILCS 705/6.1, following your being adjudicated guilty on or about July 15, 2014, in case 12 CR 318-5 in the United States District Court for the Northern District of Illinois of one count under 18 USC §1343, "Fraud by wire, radio, or television," a conviction deemed to be a decertification under the Illinois Police Training Act, 50 ILCS 705/1, *et seq.*, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Illinois Police Training Act (Superintendent's Exhibit Nos. 8 and 9) requires that every police officer maintain a certification with the State of Illinois in order to serve as a police officer. The Act further provides that any police officer convicted of a felony is to be decertified. The Superintendent presented certified copies of Officer Welch's indictment in case number 12 CR 318, filed in the United States District Court for the Northern District of Illinois (Superintendent's Exhibit No. 1), as well as a certified copy of Officer Welch's plea of guilty to Count III of the indictment on August 5, 2013 (Superintendent's Exhibit No. 2), and the judgment

entered against Officer Welch in federal court (Superintendent's Exhibit No. 4). The Superintendent also presented evidence from the federal court docket confirming that Officer Welch did not appeal from the judgment entered following his guilty plea (Superintendent's Exhibit No. 5). Count III of the federal indictment against Officer Welch, to which he pled guilty, charged him with a violation of 18 USC §1343, the federal wire fraud statute, which carries a maximum of a thirty-year sentence and is thus a federal felony charge (Superintendent's Exhibit Nos. 7 and 10). The Superintendent finished his case by presenting a letter from the Illinois Law Enforcement Training and Standards Board, dated October 16, 2014, decertifying Officer Welch and prohibiting him from serving as a police officer, based on his felony conviction (Superintendent's Exhibit No. 6). As Officer Welch did not appear at the hearing or otherwise contest any of this evidence, the Board credits the evidence and finds that Officer Welch has been decertified as a police officer and may not serve as a police officer.

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

Under Illinois law, the 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 the Respondent to continue to serve as a Chicago police officer. The Respondent's decertification by the Illinois Law Enforcement Training and Standards Board constitutes 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.

¹ As noted above, the Respondent did not appear at the August 5, 2016, hearing to offer any evidence in defense or mitigation.

POLICE BOARD DECISION

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having received the oral report of the Hearing Officer, and having conferred with the Hearing Officer on the evidence, hereby adopts the findings set forth herein by the following vote:

By a vote of 7 in favor (Lori E. Lightfoot, Ghian Foreman, Eva-Dina Delgado, Michael Eaddy, Rita A. Fry, John H. Simpson, and Rhoda D. Sweeney) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 2.

As a result of the foregoing, the Board, by a vote of 7 in favor (Lightfoot, Foreman, Delgado, Eaddy, Fry, 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 John Welch, Star No. 7551, as a result of having been found **guilty** of all charges in Police Board Case No. 16 PB 2906, 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, Rita A. Fry, John H. Simpson, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 27th DAY OF OCTOBER, 2016.

Police Board Case No. 16 PB 2906
Police Officer John Welch

Attested by:

/s/ GHIAN FOREMAN
Vice 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 _____, 2016.

EDDIE T. JOHNSON
Superintendent of Police