

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER BOBBY F. WEATHERLY,) **No. 19 PB 2968**
STAR No. 11400, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
)
) **(CR No. 1079792)**
RESPONDENT.)

FINDINGS AND DECISION

On November 22, 2019, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Bobby F. Weatherly, Star No. 11400 (“Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating several Rules of Conduct.

A hearing on these charges against the Respondent took place before Hearing Officer Allison L. Wood on October 15, 2020, 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 and the Superintendent’s response to this report (the Respondent did not file a response), and viewed the video-recording of the entire evidentiary hearing. Hearing Officer Wood made an oral report to and conferred with the Board before it rendered its findings and decisions.

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. 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 the Respondent not fewer than five (5) days before the date of the initial status hearing for this case.

3. Throughout the hearing on the charges the Respondent appeared and was represented by legal counsel.

Introduction

4. Officer Weatherly has been with the Chicago Police Department since 2003. The events in this case involve representations made by Respondent in a document he filed with the court in connection with an eviction lawsuit that was filed against him by his landlord in 2015.

In 2008, Respondent rented a townhouse in which he lived with his two minor daughters. In 2014, the condition of the townhouse began to deteriorate. There was a mouse infestation, broken pipes, mold, and a broken air conditioning unit. Despite Respondent's repeated requests, the landlord would not make repairs or address any of the problems with the townhouse. Respondent thus decided to seek legal counsel and hired an attorney. On September 10, 2015, Respondent signed an agreement with his attorney and paid him a flat fee of \$1,100. Respondent testified that at his attorney's direction, he stopped paying his rent. Shortly thereafter, Respondent was served with an eviction notice. The landlord later filed an eviction lawsuit against Respondent in the Circuit Court of Cook County. Respondent testified that his attorney provided him with an Application for Waiver of Court Fees (herein "Application" or "form") and advised him to complete it. The Application was admitted into evidence in this case before the Board. It was signed by Respondent, but failed to disclose that Respondent was employed or that he was receiving a salary. In the Application, Respondent also failed to disclose that he

owned a vehicle. Based on the filing of the Application, the court entered an order on November 30, 2015, permitting Respondent to proceed in the lawsuit without payment of fees, costs, or charges. On that same date, Respondent filed a *pro se* appearance in the lawsuit. During his own testimony at the Police Board hearing, Respondent admitted that he completed the Application and that, at the time he completed it, he: (1) was receiving a salary; (2) was employed by the Chicago Police Department; and (3) he owned a 2015 Ford Convertible.

Respondent is charged with the following three counts with respect to the representations he made on the Application: (1) that he willingly omitted and/or failed to report the fact that he received income from the Chicago Police Department; (2) that he willingly omitted and/or failed to report the total amount of money he received from the Chicago Police Department; and (3) that he willingly omitted and/or failed to report that he owned a vehicle.

The Board concludes that the undisputed evidence presented in this case establishes that Respondent willfully signed and submitted an Application to the court that falsely represented that he was not working, that he was not receiving any income, and that he did not have a car, all in order to receive the benefit of waiver of court fees for his eviction suit. His false representations and/or omissions in relation to the Application constitute a violation of the law and bring discredit to the Chicago Police Department. Accordingly, the Board finds Respondent guilty of violating Rules 1, 2, and 14.

Charges Against the Respondent

5. Police Officer Bobby F. Weatherly, Star No. 11400, is **guilty** of violating Rules 1, 2, and 14 in that the Superintendent proved by a preponderance of the evidence the following charges:

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In or about November 2015, and while employed and compensated as an officer in the Chicago Police Department (CPD), Officer Weatherly completed and filed and/or caused to be filed with the Circuit Court of Cook County an Application for Waiver of Court Fees in the matter of *Louis v. Weatherly*, 2015 M1 722702 (Cir. Ct. Cook County 2015), in which Officer Weatherly willfully omitted and/or did not report that he received money each month from his employment with CPD, and/or Officer Weatherly drew lines and/or slashes through Part 4(b) of his Application for Waiver of Court Fees, which asked Officer Weatherly to report monthly money received, including from his employment. Officer Weatherly thereby violated:

- a. Rule 1, which prohibits the violation of any law or ordinance, by violating Section 5/1-109 of the Illinois Code of Civil Procedure, 735 ILCS 5/1-109 (West 2003), “Verification by Certification”;
- b. 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
- c. Rule 14, which prohibits making a false report, written or oral.

See the findings set forth in Section No. 4 above, which are incorporated herein by reference.

The facts in this case are not meaningfully in dispute. Respondent signed an Application in his eviction lawsuit. The Application includes the following language directly next to the signature line: “Under the Code of Civil Procedure, 735 ILCS 5/1 – 109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.” Despite being warned against making a false statement, the evidence established that Respondent answered three questions in the Application falsely, each false statement set forth in a separate Specification.

Relevant to Specification No. 1, in response to question 4b of the Application, which asked the applicant to disclose the *source* of money received by his household by checking one of 8 boxes, Respondent admitted to failing to check a box. To the contrary, slash marks were written through the boxes, including the choice that applied to Respondent (“my employment”) and left blank the area in which he was to disclose the “total of all money received.” That

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representation was false as Respondent was in fact receiving a salary from the Chicago Police Department at the time he completed the Application. Indeed, copies of his check stubs during the relevant time period were admitted into evidence without objection. By failing to disclose his employment and the salary he was receiving, Respondent perjured himself, violated 735 ILCS 5/1-109, and perpetuated a fraud against the court who relied on the false information as a basis to waive Respondent's fees and costs in the lawsuit.

Respondent did not deny that his responses to question 4b were false. Instead, he testified that he followed the direction of his attorney when completing the form. It was demonstrated during cross examination, however, that Respondent had previously stated (in a statement to the Bureau of Internal Affairs) that he could not even recall whether his attorney had helped him fill out the Application. Respondent's testimony at the hearing was thus not only inconsistent with his prior statements, but not credible on its face. Indeed, even assuming its truth, the Board does not accept that a member of the Chicago Police Department would allow himself to be directed to commit a felony. The Board thus declines to credit Respondent's testimony and finds him guilty of this Specification.

6. Police Officer Bobby F. Weatherly, Star No. 11400, is **guilty** of violating Rules 1, 2, and 14 in that the Superintendent proved by a preponderance of the evidence the following charges:

In or about November 2015, and while employed and compensated as an officer in the Chicago Police Department (CPD), Officer Weatherly completed and filed and/or caused to be filed with the Circuit Court of Cook County an Application for Waiver of Court Fees in the matter of *Louis v. Weatherly*, 2015 M1 722702 (Cir. Ct. Cook County 2015), in which Officer Weatherly willfully omitted and/or did not report the total amount of money he had received in the past 12 months from his employment with CPD; and/or Officer Weatherly wrote "\$0" for the total of all money he received in the past 12 months, including from his

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employment with CPD; and/or Officer Weatherly drew lines and/or slashes through Part 4(c) of his Application for Waiver of Court Fees, which asked Officer Weatherly to report the total amount of money he received in the past 12 months, including from his employment. Officer Weatherly thereby violated:

- a. Rule 1, which prohibits the violation of any law or ordinance, by violating Section 5/1-109 of the Illinois Code of Civil Procedure, 735 ILCS 5/1-109 (West 2003), “Verification by Certification”;
- b. 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
- c. Rule 14, which prohibits making a false report, written or oral.

See the findings set forth in Section Nos. 4 – 5 above, which are incorporated herein by reference.

Relevant to Specification No. 2, in response to Question 4c of the Application, which asked the Applicant to disclose the *amount* of money received by his household, Respondent failed to disclose any salary at all. He failed to disclose that he received a salary from the Chicago Police Department and he failed to disclose the amount of his salary. And in response to the question, “*Total of all money received,*” the number “\$0” was handwritten.

Respondent did not deny that these responses were untruthful. Instead, he again provided excuses that the Board declines to credit. Specifically, he testified that he did not write “\$0” on the form. However, Respondent’s statement was again discredited on a cross-examination, as evidence was presented that Respondent had in fact provided an earlier statement to the Bureau of Internal Affairs during which he admitted to writing “\$0,” but then stated that he thought the question referred to whether he received a pension. The Board declines to credit Respondent’s testimony, as it was clear from the evidence presented that Respondent knowingly made a false material statement on the Application. Respondent perjured himself a second time and failed to

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accept any responsibility for the omissions made in relation to question 4c and the Board thus finds him guilty of this Specification.

7. Police Officer Bobby F. Weatherly, Star No. 11400, is **guilty** of violating Rules 1, 2, and 14 in that the Superintendent proved by a preponderance of the evidence the following charges:

In or about November 2015, Officer Weatherly completed and filed and/or caused to be filed with the Circuit Court of Cook County an Application for Waiver of Court Fees in the matter of *Louis v. Weatherly*, 2015 M1 722702 (Cir. Ct. Cook County 2015), in which Officer Weatherly willfully omitted and/or did not report that he owned a vehicle and/or the dollar value of that vehicle, namely a 2015 Ford convertible and/or Mustang; and/or Officer Weatherly checked a box to indicate “None of the above” in response to Part 4(e) of his Application for Waiver of Court Fees, which asked Officer Weatherly to report his possession of certain belongings, including 1st and 2nd vehicles, and the dollar values of these belongings; and/or Officer Weatherly crossed out and/or scribbled over Part 4(e) of his Application for Waiver of Court Fees. Officer Weatherly thereby violated:

- a. Rule 1, which prohibits the violation of any law or ordinance, by violating Section 5/1-109 of the Illinois Code of Civil Procedure, 735 ILCS 5/1-109 (West 2003), “Verification by Certification”;
- b. 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
- c. Rule 14, which prohibits making a false report, written or oral.

See the findings set forth in Section Nos. 4 – 6 above, which are incorporated herein by reference.

As relevant to Specification No. 3, question 4e of the Application asked the applicant to check boxes that describe things owned, such as a bank account, real estate, or a vehicle. In response to this question, Respondent checked the box that stated, “None of the above.” This statement was not true, however, as Respondent admitted that he did in fact own a vehicle at the

time.

As with the other Specifications, Respondent testified that his attorney did not tell him to complete question 4e and that he did not make the check mark in the box for “*None of the above.*” However, upon cross-examination, it was pointed out that when he gave an earlier statement to the Bureau of Internal Affairs he stated that he checked the box for “*None of the above*” and that he did not understand that checking that box would be interpreted to mean he did not have a vehicle. As with the other Specifications, the Board declines to credit Respondent’s testimony as both inconsistent and not and finds him guilty of this Specification.

Disciplinary Action

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

The Respondent offered evidence in mitigation, which the Board has considered thoroughly. Respondent called Stacy Childs as a mitigation witness. Ms. Childs testified that she has known Respondent for 9 years and that they have been dating for the last 2 years. She testified that she was his neighbor when he lived at the townhouse and that she was aware that he was dealing with several terrible issues that the landlord would not address. She further testified that she knows Respondent to be a good police officer who loves his job, and that he is a trustworthy, dependable person who likes to help people. Respondent also presented his complimentary and disciplinary histories. Respondent has an extensive complimentary history over many years with the Chicago Police Department. He was appointed in 2003 and has earned a total of 87 awards, including 6 Department Commendations and 70 Honorable Mentions. He has no sustained complaints on his disciplinary history.

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Nevertheless, the Respondent's accomplishments as a police officer do not outweigh the seriousness of his misconduct in this case. The Board finds that the Respondent's misconduct is incompatible with continued service as a police officer and warrants his discharge from the Chicago Police Department. The Respondent knowingly and intentionally completed, signed, and filed with the court a form replete with false information, thereby violating the law. The form he completed states clearly: "Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony." Respondent knowingly and willfully perjured himself three times on the Application and failed to accept any responsibility for submitting a false form to the court or for violating the law. Such conduct by Respondent is antithetical to that expected and required of a police officer, who always has a duty to act with honesty and integrity, not falsify official court document in violation of the law.

The Respondent's dishonesty directly affects his public duties as a police officer, and renders him unfit to hold that office. 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 includes 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 a police officer falsified and filed an official court document in violation of the law is detrimental to the officer's credibility as a witness and, as such, is a serious liability to the Department. See *Rodriguez v. Weis*, 408 Ill.App.3d 663, 671 (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

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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.

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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 proceedings, viewed the video-recording of the entire evidentiary hearing, received the oral report of the Hearing Officer, and conferred with the Hearing Officer on the credibility of the witnesses and the evidence. The Police Board hereby adopts the findings set forth herein by the following votes.

By votes of 9 in favor (Ghian Foreman, Paula Wolff, Matthew C. Crowl, Michael Eaddy, Steve Flores, Jorge Montes, John P. O'Malley Jr., Rhoda D. Sweeney, and Andrea L. Zopp) to 0 opposed, the Board finds Respondent Bobby F. Weatherly **guilty** of the charges in Specification Nos. 1 – 3, as set forth in Section Nos. 5 – 7 above.

As a result of the foregoing, the Board, by a vote of 9 in favor (Foreman, Wolff, Crowl, Eaddy, Flores, Montes, O'Malley, Sweeney, and Zopp) to 0 opposed, hereby determines that cause exists for discharging Respondent Bobby F. Weatherly from his position as a police officer.

NOW THEREFORE, IT IS HEREBY ORDERED that Respondent Police Officer Bobby F. Weatherly, Star No. 11400, as a result of having been found **guilty** of all charges in Police Board Case No. 19 PB 2968, 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, Matthew C. Crowl, Michael Eaddy, Steve Flores, Jorge Montes, John P. O'Malley Jr., Rhoda D. Sweeney, and Andrea L. Zopp.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17th DAY OF DECEMBER 2020.

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Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

The following Board members 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 _____, 2020.

DAVID O. BROWN
Superintendent of Police