

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER ALEXANDRA MARTINEZ,) No. 06 PB 2587
STAR No. 4544, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT) (CR No. 305567)

FINDINGS

On January 31, 2006, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Alexandra Martinez, Star No. 4544 (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; and
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

The Police Board caused a hearing on these charges against Police Officer Alexandra Martinez to be had before Michael G. Berland, Hearing Officer of the Police Board, on November 5, November 6, and December 5, 2007, and January 7, 2008.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the hearing and viewed the video-recording of the hearing. Michael G. Berland,

Hearing Officer, made an oral report to and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its hearing of 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 charges were filed in writing and a notice, stating the time, date, and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.
3. Throughout the hearing the Respondent appeared in person and was represented by legal counsel.
4. The Respondent attempted to introduce testimony and documents relating to Michel'le Hutchison's ("Hutchison") suspension from school for an alleged school fight prior to the incident involving the Respondent, which is the subject of this case. The Respondent argued that this testimony and any exhibits relating thereto would be admissible to show Hutchison's intent or that the Respondent acted in self-defense.

The Police Board rejected this testimony and any related exhibit for each of the following reasons and for all other reasons set forth in the Superintendent's legal memoranda filed in this case in opposition to this evidence: 1) The Police Board

found such testimony and any related exhibit irrelevant and immaterial as to an issue they were required to decide in this case. The Police Board had a videotape of the incident in evidence and three witnesses testified to what happened in the loss-prevention office. The Police Board did not find the testimony relating to the school incident involving Hutchison, or the related exhibit, relevant or material to the issue of Hutchison's intent, nor did the Board find it relevant or material as to whether the Respondent acted in self-defense. Generally, cross examination of specific acts of a witness not leading to a conviction are not admissible. See Cleary & Graham's Handbook Of Illinois Evidence, Seventh Edition, Section 608.5, pp.450-452 (1999). Furthermore, the testimony and related exhibit the Respondent attempted to introduce were vague and did not establish what led to the school fight or even whether Hutchison may have been acting in self-defense. 2) To the extent the Respondent was attempting to use the school incident as a prior similar act, she failed to meet any of the requirements for such acts to be admissible: a) the school incident did not tend to prove that Hutchison allegedly intended to spit at Martinez or otherwise act improperly, or that the Respondent acted in self-defense; b) the alleged acts by Hutchison in the school incident were not similar to the incident charged in this case to be relevant to the matters at issue; c) the Respondent failed to establish what happened in the school incident by clear and

convincing evidence; and d) the probative value of the school incident was not outweighed by the danger of unfair prejudice. See *Young v. Rabideau* 821 F.2d 373 (7th Cir., 1987).

For the reasons set forth herein, the Police Board strikes the offer of proof involving Hutchison's testimony made by the Respondent's counsel regarding the school incident. Tr. 40-42 (only the part relating to the school incident on Tr. 42 is stricken). The Respondent's Exhibit 4 entitled Misconduct Report is stricken as an exhibit. The testimony of Larry Gambles, which related to the Misconduct Report, and was made part of an offer is proof, is stricken from the record. Tr. 121-123.

5. The Respondent, Police Officer Alexandra Martinez, Star No. 4544, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,
in that:

Count I: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she intentionally and/or knowingly without legal justification caused bodily harm to Michel'le Hutchison, in that Officer Martinez one or more times pushed Hutchison in the head with her hand, causing Hutchison's head to hit the wall one or more times, in violation of Chapter 720 ILCS 5/12-3(a)(1).

Count II: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she intentionally and/or knowingly without legal justification made physical contact of an insulting or provoking nature with Michel'le Hutchison, in that Officer Martinez one or more times pushed Hutchison in the head with her hand, causing Hutchison's head to hit the wall one or more times, in violation of Chapter 720 ILCS 5/12-3(a)(2).

Count III: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she intentionally and/or knowingly without legal justification caused bodily harm to Michel'le Hutchison, in that Officer Martinez grabbed Hutchison by the cheek or cheeks and/or grabbed her by the hair and/or wrestled her down to a bench, in violation of Chapter 720 ILCS 5/12-3(a)(1).

Count IV: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she intentionally and/or knowingly without legal justification made physical contact of an insulting or provoking nature with Michel'le Hutchison, in that Officer Martinez grabbed Hutchison by the cheek or cheeks and/or grabbed her by the hair and/or wrestled her down to a bench, in violation of Chapter 720 ILCS 5/12-3(a)(2).

Count V: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she intentionally and/or knowingly without legal justification caused bodily harm to Michel'le Hutchison, in that Officer Martinez excessively twisted Hutchison's left arm behind her back, in violation of Chapter 720 ILCS 5/12-3(a)(1).

Count VI: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she intentionally and/or knowingly without legal justification made physical contact of an insulting or provoking nature with Michel'le Hutchison, in that Officer Martinez excessively twisted Hutchison's left arm behind her back, in violation of Chapter 720 ILCS 5/12-3(a)(2).

Count VII: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she intentionally and/or knowingly without legal justification caused bodily harm to Michel'le Hutchison, in that Officer Martinez grabbed Hutchison, who was standing, by her ponytail and slung her backwards towards a bench, causing her head and/or body to strike the wall and/or causing Hutchison into a sitting position, in violation of Chapter 720 ILCS 5/12-3(a)(1).

Count VIII: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss

Prevention Office at a JC Penney store, she intentionally and/or knowingly without legal justification made physical contact of an insulting or provoking nature with Michel'le Hutchison, in that Officer Martinez grabbed Hutchison, who was standing, by her ponytail and slung her backwards towards a bench, causing her head and/or body to strike the wall and/or causing Hutchison into a sitting position, in violation of Chapter 720 ILCS 5/12-3(a)(2).

Count IX: On or about April 11, 2005, while on duty and in her official capacity and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she knowingly performed an act which she knows she is forbidden by law to perform, in that she one or more times pushed Michel'le Hutchison in the head with her hand, causing Hutchison's head to hit the wall one or more times, in violation of Chapter 720 ILCS 5/33-3(b).

Count X: On or about April 11, 2005, while on duty and in her official capacity and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she knowingly performed an act which she knows she is forbidden by law to perform, in that she grabbed Michel'le Hutchison by the cheek or cheeks and/or grabbed her by the hair and/or wrestled her down to a bench, in violation of Chapter 720 ILCS 5/33-3(b).

Count XI: On or about April 11, 2005, while on duty and in her official capacity and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she knowingly performed an act which she knows she is forbidden by law to perform, in that she excessively twisted Michel'le Hutchison's left arm behind her back, in violation of Chapter 720 ILCS 5/33-3(b).

Count XII: On or about April 11, 2005, while on duty and in her official capacity and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she knowingly performed an act which she knows she is forbidden by law to perform, in that she grabbed Michel'le Hutchison, who was standing, by her ponytail and slung her backwards towards a bench, causing her head and/or body to strike the wall and/or causing Hutchison into a sitting position, in violation of Chapter 720 ILCS 5/33-3(b).

6. The Respondent, Police Officer Alexandra Martinez, Star No. 4544, 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:

On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she physically abused and/or maltreated juvenile Michel'le Hutchison, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

7. The Respondent, Police Officer Alexandra Martinez, Star No. 4544, charged herein, is **guilty** of violating, to wit:

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

in that:

On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she physically abused and/or maltreated juvenile Michel'le Hutchison, thereby disobeying General Order 02-08, Section III.A., which requires an officer to treat a member of the public with respect and dignity, and strictly prohibits unwarranted physical force or unprofessional conduct.

8. The Respondent, Police Officer Alexandra Martinez, Star No. 4544, charged herein, is **guilty** of violating, to wit:

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

in that:

Count I: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss

Prevention Office at a JC Penney store, she one or more times pushed Michel'le Hutchison in the head with her hand, causing Hutchison's head to hit the wall one or more times, thereby engaging in disrespect to or maltreatment of any person, while on or off duty.

Count II: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she grabbed Michel'le Hutchison by the cheek or cheeks and/or grabbed her by the hair and/or wrestled her down to a bench, thereby engaging in disrespect to or maltreatment of any person, while on or off duty.

Count III: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she excessively twisted Michel'le Hutchison's left arm behind her back, thereby engaging in disrespect to or maltreatment of any person, while on or off duty.

Count IV: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she grabbed Michel'le Hutchison, who was standing, by her ponytail and slung her backwards towards a bench, causing her head and/or body to strike the wall and/or causing Hutchison into a sitting position, thereby engaging in disrespect to or maltreatment of any person, while on or off duty.

9. The Respondent, Police Officer Alexandra Martinez, Star No. 4544, 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:

Count I: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she pushed Michel'le Hutchison one or more times in the head with her hand, without justification, causing Hutchison's head to hit the wall one or more times, thereby engaging in an unjustified verbal or physical altercation with any person, while on or off duty.

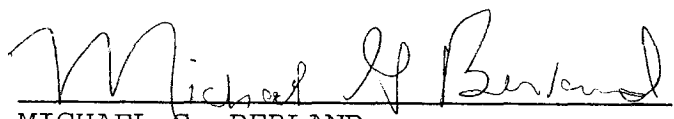
Count II: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she grabbed Michel'le Hutchison by the cheek or cheeks and/or grabbed her by the hair and/or wrestled her down to a bench without justification, thereby engaging in an unjustified verbal or physical altercation with any person, while on or off duty.

Count III: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she excessively twisted Michel'le Hutchison's left arm behind her back without justification, thereby engaging in an unjustified verbal or physical altercation with any person, while on or off duty.

Count IV: On or about April 11, 2005, while on duty and at or near 7601 South Cicero Avenue, Chicago, inside the Loss Prevention Office at a JC Penney store, she grabbed Michel'le Hutchison, who was standing, by her ponytail and slung her backwards towards a bench, causing her head and/or body to strike the wall and/or causing Hutchison into a sitting position without justification, thereby engaging in an unjustified verbal or physical altercation with any person, while on or off duty.

By reason of the findings of fact and guilt set forth herein, cause exists for the discharge of the Respondent, Police Officer Alexandra Martinez, Star No. 4544, from her position as a police officer with the Department of Police, and from the services of the City of Chicago.

Respectfully submitted,


MICHAEL G. BERLAND
Hearing Officer

DECISION

The Police Board of the City of Chicago, having read and reviewed the certified transcription of the hearing, having viewed the video-recording of the hearing, having received the oral report of the Hearing Officer, Michael G. Berland, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein; and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A; and

IT IS HEREBY ORDERED that the Respondent, Police Officer Alexandra Martinez, Star No. 4544, as a result of having been found **guilty** of charges in Police Board Case No. 06 PB 2587, be and hereby is **discharged** from her position as a police officer with the Department of Police, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
21st DAY OF FEBRUARY, 2008.

Patricia C. Bobb
James J. Carr
John J. Lee
John J. Lee
John J. Lee
John J. Lee
John J. Lee
John J. Lee

Attested by:

Max A. Caproni

Executive Director
Police Board

Police Board Case No. 06 PB 2587
Police Officer Alexandra Martinez
Page 10A

DECISION

The Police Board of the City of Chicago, having read and reviewed the certified transcription of the hearing, having viewed the video-recording of the hearing, having received the oral report of the Hearing Officer, Michael G. Berland, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein; and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A; and

IT IS HEREBY ORDERED that the Respondent, Police Officer Alexandra Martinez, Star No. 4544, as a result of having been found **guilty** of charges in Police Board Case No. 06 PB 2587, be and hereby is **discharged** from her position as a police officer with the Department of Police, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
21st DAY OF FEBRUARY, 2008.

Patricia C. Cobb
James J. Conner
John J. Conner
John J. Conner
John J. Conner
John J. Conner
John J. Conner
John J. Conner
John J. Conner
John J. Conner

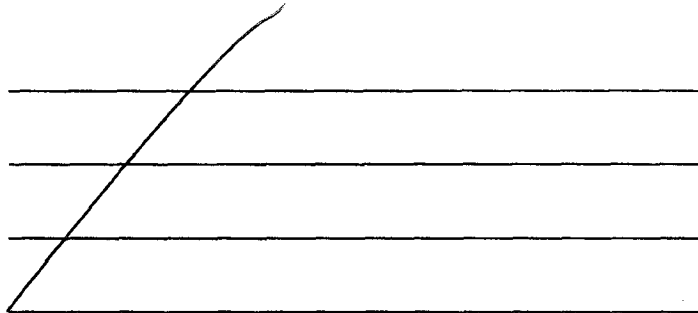
Attested by:

Max A. Caproni

Executive Director
Police Board

DISSENT

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



RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

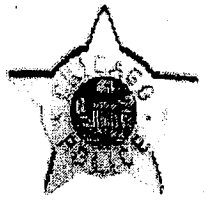
THIS _____ DAY OF _____, 2008.

SUPERINTENDENT OF POLICE

Report Date: 19 Jul 2005
Report Time: 0918 Hrs

Chicago Police Department

Personnel Division



Information Services Division
Warehouse
ed by: PC0X893

Complimentary Hist

Name	Title	Sta	Unit	Detail Unit	Emp Number
MARTINEZ, ALEXANDRA	9161	4544	008		56347

Achievements

Total No.

DEPARTMENT COMMENDATION
HONORABLE MENTION

1

36

Ex. A, 1 of 3

NOTE: THIS REPORT IS FOR OFFICIAL LAW ENFORCEMENT / AUTHORIZED USE ONLY.
THE INFORMATION IS CURRENT AS OF THE DATE AND TIME OF THE REPORT.
THIS REPORT IS NOT FOR PUBLIC DISSEMINATION.

CR# 305567



Chicago Police Department

CLEAR

Citizen & Law Enforcement Analysis & Reporting System

**INTERNAL AFFAIRS DIVISION
RECORDS SECTION**

19 JULY 2005

TO: COMMANDING OFFICER UNIT 113
FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION
SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

MARTINEZ	ALEXANDRA	4544	008
NAME (LAST, FIRST M.I.)		STAR	UNIT
F	S		
SEX	RACE	S.S.N.	

REFERENCE: COMPLAINT REGISTER NUMBER 305567

**THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT
ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:**

SUPV.	DEAN	125	113
RANK	NAME	STAR	S.S.N.
			UNIT

**RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE
ABOVE REFERENCED COMPLAINT REGISTER NUMBER.**

**THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE
FOLLOWING DISCIPLINARY ACTION ADMINISTERED TO THE SUBJECT
ACCUSED FOR THE PAST FIVE (5) YEARS.**

VERIFIED/PREPARED BY:

DEANNA C. MAGSBY

SEE ATTACHED

**FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION**

Ex. A, 2 OF 3

Sustained Complaints History Report

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	MARTINEZ ALEXANDRA	4544	56347	9161	POLICE OFFICER	008

<u>Sex</u>	<u>Race</u>	<u>Birth Date</u>	<u>Appointed Date</u>	<u>No. Of CR's</u>	<u>No. Of SPAR's</u>
F	[REDACTED] (DO NOT USE)	30-MAR-1968	31-MAY-1994	0	1

<u>Case #</u>	<u>Incident Date</u>	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u>	<u>Final Category</u>	<u>Less Serious Transgression</u>
S042740	09-AUG-2004		REPRIMAND		005-COURT APPEARANCE VIOLATION

Civil Suit #Police Board #Comments TRAFFIC

Ex. A, 3 of 3

ONLY