

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER FABIAN MARTINEZ III,)	No. 06 PB 2611
STAR No. 14671, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
)	(CR No. 304692)
RESPONDENT.)	

FINDINGS

On September 1, 2006, the Superintendent of Police filed charges with the Police Board of the City of Chicago seeking the discharge of **POLICE OFFICER FABIAN MARTINEZ III, Star No. 14671**, hereinafter sometimes referred to as "Respondent," for violation of the following rules:

- 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 7:** Insubordination or disrespect toward a supervisory member on or off duty.
- RULE 14:** Making a false report, written or oral.

The Police Board of the City of Chicago caused a hearing on these charges against **POLICE OFFICER FABIAN MARTINEZ III, Star No. 14671**, to be heard by **JACQUELINE A. WALKER**, Hearing Officer of the Police Board of the City of Chicago, on February 6, 2007 and February 28, 2007. Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing and viewed the video-recording of the hearing.

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

As a result of the foregoing, the Police Board of the City of Chicago finds and determines that:

(1) The Respondent was, at all times mentioned herein, a police officer employed 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 on 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) Respondent, **POLICE OFFICER FABIAN MARTINEZ III, Star No. 14671**, as charged herein, is **guilty** of violating, to-wit:

RULE 1: "Violation of any law or ordinance," in the following instances:

A) On or about December 19, 2004, at approximately 3:00 a.m., in the vicinity of 6834 West Higgins, he was involved in a motor vehicle accident and failed to remain at the scene of the accident in violation of 625 ILCS 5/11-402.

B) On or about December 19, 2004, at approximately 3:00 a.m., in the vicinity of 6834 West Higgins, he was involved in a motor vehicle accident resulting in damage to a vehicle and failed to give information and render aid in violation of 625 ILCS 5/11-

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403.

- C) On or about December 19, 2004, at approximately 3:00 a.m., in the vicinity of 6834 West Higgins, he was the driver of a vehicle involved in an accident resulting in injury to or death of any person, or in damage to property, including his own, in excess of \$500, and failed to report the accident to the Administrator of the Illinois Safety and Family Financial Responsibility Law within ten days in violation of 625 ILCS 5/11-406.
- D) On or about December 19, 2004, at approximately 3:00 a.m. in the vicinity of 6834 West Higgins, he was the driver of a vehicle involved in an accident and failed to give notice of the accident by the fastest available means of communication to the local police department in violation of 625 ILCS 5/11 -407.
- E) On or about December 20, 2004, he committed disorderly conduct when he knowingly transmitted or caused to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense will be committed, is being committed, or has been committed, in violation of 720 ILCS 5/26-1.

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(5) Respondent, **POLICE OFFICER FABIAN MARTINEZ III, Star No. 14671**, as 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 the following instances:

- A) On or about December 19, 2004, at approximately 3:00 a.m., in the vicinity of 6834 West Higgins, he was involved in a motor vehicle accident and failed to remain at the scene of the accident to give information and/or render aid and/or determine if aid was required.
- B) On or about December 19, 2004, at approximately 3:00 a.m., in the vicinity of 6834 West Higgins, he was the driver of a vehicle involved in an accident resulting in injury to or death of any person, or in damage to property, including his own, in excess of \$500, and failed to report the accident to the Administrator of the Illinois Safety and Family Financial Responsibility Law within ten days.
- C) On or about December 19, 2004, at approximately 3:00 a.m. in the vicinity of 6834 West Higgins, he was the driver of a vehicle involved in an accident and failed to give notice of the accident to the local police department
- D) On or about December 20, 2004, at approximately 4:50 p.m., he falsely reported to the Chicago Police Department that his vehicle

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was stolen.

- E) On or about April 6, 2005, he refused to cooperate in an investigation being conducted by personnel from the Major Accident Investigations Unit.

(6) Respondent, **POLICE OFFICER FABIAN MARTINEZ III, Star No. 14671**, as charged herein, is **guilty** of violating, to-wit:

RULE 7: “Insubordination or disrespect toward a supervisory member on or off duty,” in that:

On or about April 6, 2005, he refused to cooperate with Lieutenant Gerard Carroll in an investigation being conducted by the Major Accident Investigations Unit.

(7) Respondent, **POLICE OFFICER FABIAN MARTINEZ III, Star No. 14671**, as charged herein, is **guilty** of violating, to-wit:

RULE 14: ““Making a false report, written or oral,” in that:

On or about December 20, 2004, at 4:50 p.m., he falsely reported to the Chicago Police Department that his vehicle was stolen.

BY REASON of the findings of fact and of guilt herein, cause exists for the discharge of Respondent, Police Officer Fabian Martinez, Star No. 14671, from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. A. Walker", is written over a horizontal line.

JACQUELINE A. WALKER
Hearing Officer

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POLICE OFFICER FABIAN MARTINEZ III, STAR No. 14671

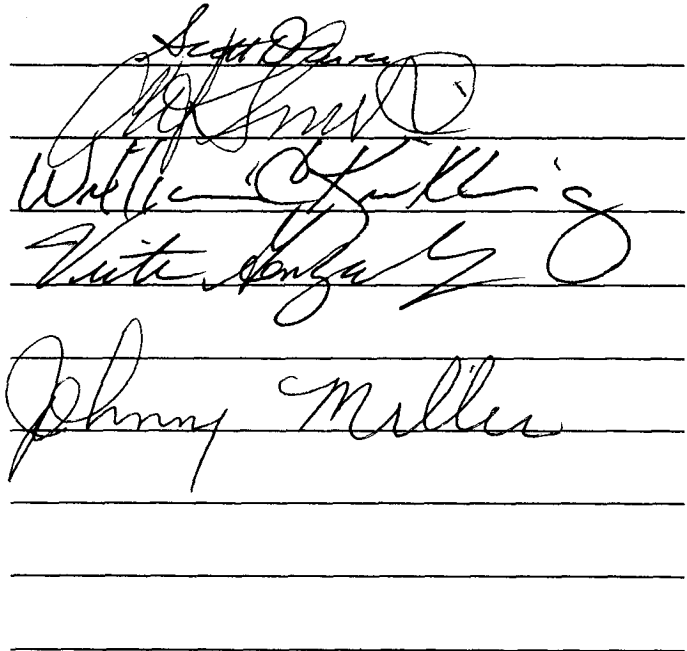
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DECISION

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, JACQUELINE A. WALKER, 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 **FABIAN MARTINEZ III**, Star No. 14671, as a result of having been found **guilty** of charges in Police Board Case No. 06 PB 2611, be and hereby is **discharged** from his position as a police officer, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15th DAY OF MARCH, 2007.

The block contains four handwritten signatures on lined paper. The first signature is partially obscured and appears to be 'Scott D. ...'. The second signature is 'William G. ...'. The third signature is 'Vicki ...'. The fourth signature is 'Johnny Miller'.

Attested by:

The block contains a handwritten signature that reads '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

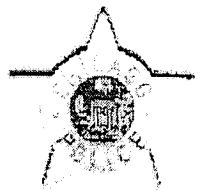
THE FOREGOING COMMUNICATION

THIS _____ DAY OF _____, 2007.

SUPERINTENDENT OF POLICE

Chicago Police Department

Personnel Division



Information Services Division
Data Warehouse
Produced by: PC01338

Complimentary Hist

Name	Title	Star	Unit	Detail Unit	Emp Number
MARTINEZ III, FABIAN	9161	14671	012		9277

Achievements

Total No.

DEPARTMENT COMMENDATION
HONORABLE MENTION
COMPLIMENTARY LETTER

1
13
2

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# 304692

Ex. A



Citizen & Law Enforcement Analysis & Reporting System

C.R.# 304692
ATTACHMENT 55

**INTERNAL AFFAIRS DIVISION
RECORDS SECTION**

19 DEC 2005

TO: COMMANDING OFFICER UNIT 121
FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION
SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

MARTINEZ III	FABIAN	14671	012
NAME	(LAST, FIRST M.I.)	STAR	UNIT
M	S	EMP# 9277	
SEX	RACE	S.S.N.	

REFERENCE: COMPLAINT REGISTER NUMBER 304 692

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

PA	MARTIN	3738	EMP# 21040	121
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:

PO KAREN CALAHAN #4432

NONE

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

Ex. A

**C.R.# 304692
ATTACHMENT 54**