

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
SERGEANT NICHOLAS M. ORTEGA,) No. 07 PB 2650
STAR No. 1944, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
)
RESPONDENT) (CR No. 304632)

FINDINGS

On August 17, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Sergeant Nicholas M. Ortega, Star No. 1944 (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 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 16: Entering any tavern or bar while on duty or in uniform, except in the performance of police duty.
- Rule 36: Permitting any person not on official police business to ride in a Department vehicle unless specifically authorized.

The Police Board caused a hearing on these charges against Sergeant Nicholas M. Ortega to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on April 15 and April 29, 2008.

Following the hearing, the members of the Police Board read and reviewed the record of proceedings and viewed the video-recording of the testimony of the witnesses. Thomas E. Johnson, 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 Sergeant of Police 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, were served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. The Respondent appeared throughout the hearing and was represented by legal counsel.

4. The Respondent's motion to dismiss the charges is denied for the reasons set forth by the hearing officer on the record on April 7, 2008.

5. The Respondent, Sergeant Nicholas M. Ortega, Star No. 1944, 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 March 25, 2005, in or around the 25th District sergeant's office, located at or near 5555 West Grand Avenue, Chicago, he engaged in one or more sexual acts with Julie Hogan, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

6. The Respondent, Sergeant Nicholas M. Ortega, Star No. 1944, charged herein, is **guilty** of violating, to wit:

Rule 16: Entering any tavern or bar while on duty in uniform, except in the performance of police duty,

in that:

On or about March 25, 2005, he entered Grand Central Station, a tavern or bar located at or near 5726 West Grand Avenue, Chicago, while on duty and/or in uniform and not in the performance of a police duty.

7. The Respondent, Sergeant Nicholas M. Ortega, Star No. 1944, charged herein, is **guilty** of violating, to wit:

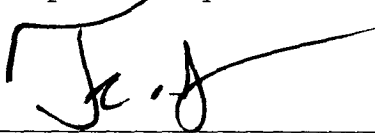
Rule 36: Permitting any person not on official police business to ride in a Department vehicle unless specifically authorized,

in that:

On or about March 25, 2005, he permitted Julie Hogan, who was not on official police business, to ride in a Department vehicle without being specifically authorized to do so.

By reason of the findings of fact and guilt set forth herein, cause exists for the discharge of the Respondent, Sergeant Nicholas M. Ortega, Star No. 1944, from his position as a sergeant of police with the Department of Police, and from the services of the City of Chicago.

Respectfully submitted,



THOMAS E. JOHNSON
Hearing Officer

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, Thomas E. Johnson, 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, Sergeant Nicholas M. Ortega, Star No. 1944, as a result of having been found **guilty** of charges in Police Board Case No. 07 PB 2650, be and hereby is **discharged** from his position as a sergeant of police, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
19th DAY OF JUNE, 2008.

Demetrius C. ...
Phyllis ...
Patricia C. Bobb
Victor ...
Walter ...
...
...
...

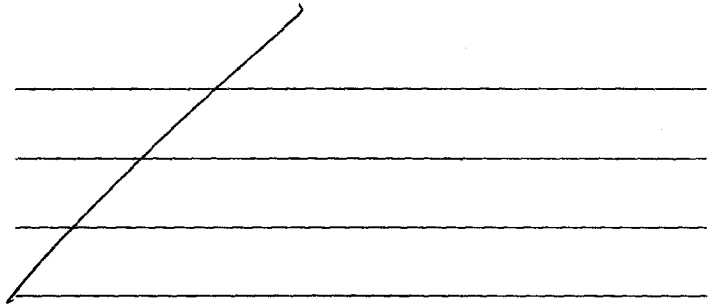
Attested by:

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

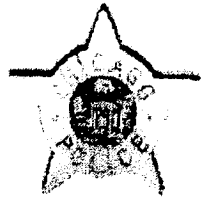
THIS ____ DAY OF _____, 2008.

SUPERINTENDENT OF POLICE

Report Date: 25 Jan 2006
Report Time: 2253 Hrs

Chicago Police Department

Personnel Division



Information Services Division
Data Warehouse
Processed by: PC02620

Complimentary Hist

Name	Title	Star	Unit	Detail Unit	Emp Number
ORTEGA, NICHOLAS M	9171	1944	025		41075

Achievements

Total No.

EMBLEM OF RECOGNITION - APPEARANCE	1
EMBLEM OF RECOGNITION - PHYSICAL FITNESS	2
HONORABLE MENTION	64
COMPLIMENTARY LETTER	2

EXHIBIT A

Res: 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# 304632



Citizen & Law Enforcement Analysis & Reporting System

CR # 304632
ATTACHMENT 20

**INTERNAL AFFAIRS DIVISION
RECORDS SECTION**

26 JAN 2006

TO: COMMANDING OFFICER, 121G

FROM: **RECORDS SECTION
INTERNAL AFFAIRS DIVISION**

SUBJECT: **PREVIOUS DISCIPLINARY RECORD OF:**

ORTEGA, NICHOLAS	1944	025
NAME (LAST, FIRST M.I.)	STAR	UNIT
M	WWH	041075
SEX	RACE	EMPLOYEE

REFERENCE: **COMPLAINT REGISTER NUMBER(S)** 304632

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

RANK	NAME	STAR	EMPL	UNIT
SGT. J. MARAFFINO		2563		121G

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(S) ADMINISTERED TO THE SUBJECT ACCUSED FOR THE PAST FIVE (5) YEARS.

None
Attached

VERIFIED/PREPARED BY:


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

0 430431