

15PB2886

CHARGES

Police Officer Victoria Gutierrez, Star Number 15542, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations:

- 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 7: Insubordination or disrespect toward a supervisory member on or off duty.
- Rule 47: Associating or fraternizing with any person known to have been convicted of any felony or misdemeanor, whether state or federal, excluding traffic and municipal ordinance violations.

SPECIFICATIONS

1. Police Officer Victoria Gutierrez, Star Number 15542, is charged with violating Rule 1, "Violation of any law or ordinance," in one or more of the following instances:

Count I: On or about July 14, 2011, at approximately 2008 hours, at or about [REDACTED] South LaCrosse Avenue, Chicago, Illinois, Police Officer Gutierrez knowingly without legal justification made physical contact of an insulting or provoking nature with Sergeant Sean Martin of the Chicago Police Department while he was performing his official duties and/or to prevent him from performing his official duties. Officer Gutierrez hit Sergeant Martin in the chest area using her right elbow or forearm and/or used her hands to push Sergeant Martin, while he was attempting to execute a search warrant, in violation of 720 ILCS 5/12-3.05(d)(4).

2. Police Officer Victoria Gutierrez, Star Number 15542, is charged with violating 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 one or more of the following instances:

Count I: On or about July 14, 2011, at approximately 2008 hours, at or about [REDACTED] South LaCrosse Avenue, Chicago, Illinois, Police Officer Gutierrez said to Sergeant Martin "You don't have no fucking warrant. You can't come in my house," or words to that effect, after Sergeant Martin identified himself and/or told Officer Gutierrez that he had a search warrant for the residence; and/or Officer Gutierrez hit Sergeant Martin in the chest area

using her right elbow or forearm and/or used her hands to push Sergeant Martin, while he was attempting to execute a search warrant.

Count II: On or about July 14, 2011, at approximately 2008 hours, at or about [REDACTED] South LaCrosse Avenue, Chicago, Illinois, Police Officer Gutierrez interfered with or obstructed an official investigation involving the Chicago Police Department and the United States Drug Enforcement Agency, while they were trying to execute a search warrant. Officer Gutierrez refused or blocked entry into the residence and/or hit Sergeant Martin with her right elbow or forearm and/or pushed him with her hands, after Sergeant Martin identified himself and/or told Officer Gutierrez that he had a search warrant for the residence.

Count III: On or about July 14, 2011, at approximately 2008 hours, at or about [REDACTED] South LaCrosse Avenue, Chicago, Illinois, Police Officer Gutierrez was insubordinate to Sergeant Sean Martin, an on-duty sergeant, in that she refused his order(s) to stand aside and/or allow entry into the residence, or an order(s) to that effect, after Sergeant Martin identified himself and/or told Officer Gutierrez that he had a search warrant for the residence.

Count IV: On or about July 14, 2011, at approximately 2008 hours, at or about [REDACTED] South LaCrosse Avenue, Chicago, Illinois, Police Officer Gutierrez, failed to properly secure her duty weapon(s), which was (were) found during the execution of a search warrant, loaded and unsecured in a dresser drawer and/or purse, in a house with one or more minors under the age of 14 and/or a convicted felon, which felon knew about the location of one or more of the weapons.

Count V: From at least about July 2009 to at least about the end of July 2011, or on one or more dates therein, Police Officer Gutierrez associated or fraternized with Albert Quiroz, a convicted felon, knowing he was a convicted felon.

Count VI: From at least about July 2009 to at least about the end of July 2011, or on one or more dates therein, Police Officer Gutierrez associated with Albert Quiroz, a known member of a criminal street gang.

3. Police Officer Victoria Gutierrez, Star Number 15542, is charged with violating Rule 6, "Disobedience of an order or directive, whether written or oral," in one or more of the following instances:

Count I: On or about July 14, 2011, at approximately 2008 hours, at or about [REDACTED] South LaCrosse Avenue, Chicago, Illinois, Police Officer Gutierrez was insubordinate to Sergeant Sean Martin, an on-duty sergeant attempting to execute a search warrant, in that she refused his orders to stand aside and/or allow entry into the residence, or an order(s) to that effect, after

Sergeant Martin identified himself and/or told Officer Gutierrez that he had a search warrant for the residence.

Count II: On or about July 14, 2011, at approximately 2008 hours, at or about [REDACTED] South LaCrosse Avenue, Chicago, Illinois, Police Officer Gutierrez, failed to properly secure her duty weapon(s), which was(were) found during the execution of a search warrant, loaded and unsecured in a dresser drawer and/or purse, in a house with one or more minors under the age of 14 and/or a convicted felon, in violation of General Order 07-01 XVII, or Uniform and Property U04-02 XVI or U04-02 X.

Count III: From at least about July 2009 to at least about the end of July 2011, or on one or more dates therein, Police Officer Gutierrez associated with Albert Quiroz, a known member of a criminal street gang, in violation of General Order G.O. 97-1 or its successor General Order G08-03.

4. Police Officer Victoria Gutierrez, Star Number 15542, is charged with violating Rule 7, "Insubordination or disrespect toward a supervisory member on or off duty," in one or more of the following instances:

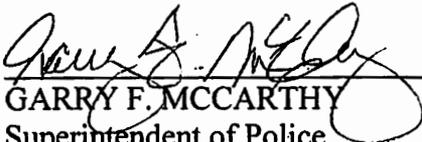
Count I: On or about July 14, 2011, at approximately 2008 hours, at or about [REDACTED] South LaCrosse Avenue, Chicago, Illinois, Police Officer Gutierrez was insubordinate to Sergeant Sean Martin, an on-duty sergeant attempting to execute a search warrant, in that she refused his orders to stand aside and/or allow entry into the residence, or an order(s) to that effect, after Sergeant Martin identified himself and/or told Officer Gutierrez that he had a search warrant for the residence.

Count II: On or about July 14, 2011, at approximately 2008 hours, at or about [REDACTED] South LaCrosse Avenue, Chicago, Illinois, Police Officer Gutierrez said to Sergeant Martin "You don't have no fucking warrant. You can't come in my house," or words to that effect, after Sergeant Martin identified himself and/or told Officer Gutierrez that he had a search warrant for the residence; and/or Officer Gutierrez hit Sergeant Martin in the chest area using her right elbow or forearm and/or used her hands to push Sergeant Martin, while he was attempting to execute a search warrant.

5. Police Officer Victoria Gutierrez, Star Number 15542, is charged with violating Rule 47, "Associating or fraternizing with any person known to have been convicted of any felony or misdemeanor, whether state or federal, excluding traffic and municipal ordinance violations," in one or more of the following instances:

Count I: From at least about July 2009 to at least about the end of July 2011, or on one or more dates therein, Police Officer Gutierrez associated or fraternized with Albert Quiroz, a convicted felon, knowing he was a convicted felon.

Based on the foregoing charges and specifications, the Superintendent recommends that Officer Victoria Gutierrez, Star Number 15542, be separated from the Chicago Police Department.


GARRY F. MCCARTHY
Superintendent of Police

APPROVED AS TO FORM


HILLINA T. TAMRAT
Senior Counsel

P. B. CASE # FILED

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CHICAGO POLICE BOARD