

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

**IN THE MATTER OF CHARGES FILED AGAINST )**  
**POLICE OFFICER CLARA M. ORTIZ, )** **No. 21 PB 2999**  
**STAR No. 15995, DEPARTMENT OF POLICE, )**  
**CITY OF CHICAGO, )**  
)  
)  
) **(CR No. 1097997)**  
**RESPONDENT. )**

**FINDINGS AND DECISION**

On October 5, 2021, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Clara M. Ortiz, Star No. 15995 (“Respondent”), recommending that Respondent be discharged from the Chicago Police Department (“CPD”) for violating several of CPD’s Rules of Conduct.

A hearing on the charges against Respondent took place before Hearing Officer April Perry on April 4, May 17, and May 26, 2022. Following this evidentiary hearing, the members of the Police Board read and reviewed the record of the proceedings, including the Hearing Officer’s Report (neither party filed a response to this report), and viewed the video recording of the entire evidentiary hearing. The Hearing Officer made an oral report to and conferred with the Board before it rendered its findings and decision.

During the proceedings of this case, from the filing of charges through the conclusion of the evidentiary hearing, the Hearing Officer made rulings and entered orders. None of the Hearing Officer’s rulings and orders is overruled or reversed.

**POLICE BOARD FINDINGS**

As a result of its hearing on the charges, the Police Board finds and determines that:

1. 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 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 Respondent appeared and was represented by legal counsel.

### **Summary of the Facts**

4. Respondent became a CPD officer in March 2001. In July 2013, Respondent and her husband were having marital problems, and both moved out of the marital home. Respondent filled out and signed a CPD change of address form on July 15, 2013, stating that her new address was [xxxx] N. Washtenaw, Chicago, Illinois, which was close to the 19<sup>th</sup> District where Respondent was assigned. S. Ex. 1. Respondent understood at the time she filled out this form that she had to be a resident of Chicago to work for CPD, and that her statement to CPD regarding her address must be truthful.

At the time of their separation, Respondent's husband moved to Brookfield with Respondent's 8-year-old son and 14-year-old daughter. According to Respondent's testimony at the hearing, she would go to Brookfield to stay with her children on her days off, furlough days, and for special occasions. Respondent testified that she stayed in Brookfield as often as possible to see her children, while she and her husband sought to reconcile.

In February 2016, Respondent's husband passed away. At that time, Respondent's son moved in with Respondent's sister, who also lived in Brookfield, so he could continue to attend his current school in Brookfield. According to Respondent's own testimony at the hearing, she stayed with her sister during much of this time, because Respondent was grieving the loss of her

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husband, Respondent's sister was going through a difficult divorce, and Respondent's children and her sister's children needed the support of family.

Between March 2016 and June 2017, officers from CPD's Bureau of Internal Affairs ("BIA") conducted more than 20 surveillances of Respondent to determine whether she was living in Chicago or Brookfield. Most of these surveillances took place either immediately before or immediately after Respondent was scheduled for duty. During two of the surveillances, BIA followed Respondent from the 19<sup>th</sup> District to her sister's residence in Brookfield, a drive which took slightly under two hours. During another ten of the surveillances, Respondent was observed leaving her sister's Brookfield address in the early morning (between approximately 6:30 - 7:30 a.m.). For six of these early morning surveillances, Respondent's car was later seen parked at the 19<sup>th</sup> District. On another four occasions, Respondent was observed arriving the Brookfield address after 4:30 p.m., and not observed leaving by the time surveillance was terminated two to three hours later. On the days Respondent was scheduled for work and observed either arriving at or leaving Brookfield, Respondent was typically observed in her uniform pants carrying gym bags or bags of food. Respondent was also observed in Brookfield on her days off, doing things like taking children to school, making a Goodwill donation, and entering a yoga studio.

After being served with charges, Respondent was interviewed by BIA three times. During those interviews, Respondent made several admissions. For example:

Q. So how long were you staying in Brookfield?

A. Since my husband passed away.

Q. And that was in?

A. February 20, the – 2016.

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S. Ex. 6, pg. 15.

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Q. So you've been staying at [the Brookfield address] since February of 2016?

A. Yes, sir.

Q. Okay. And had this been consecutive days that you've been staying there?

A. Yes, sir.

Q. Okay. Okay. And you said you just moved back. Was it the day that we served you?

A. Yesterday.

Q. Okay. All right. Is there a reason you moved back?

A. Well because I, you know, wanted to make sure I'm where I'm supposed to be from now on.

S. Ex. 6, pg. 17-18.

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Q. When was the last time you actually spent the night, you know, not talking about the 12 of June, when was the last time you spent the night at [the Chicago address]?

A. I can't recall.

S. Ex. 6, pg. 21.

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Q. So you was [sic] living at [xxxx] Grand Avenue in Brookfield?

A. At one point, yes.

Q. Okay.

A. So I could be with my kids.

Q. I can understand that. What dates did you live – when did you move to [xxxx] Grand Avenue?

A. Right after, you know, I – when William moved there. I followed him months after that.

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S. Ex. 7. Pg 24.

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Q. Okay, so what was your plan when – you because you – okay. So you moved directly all of 2013. From 2013 you were staying at [xxxx] Grand. So you were staying at Brookfield. So, basically, you only use [xxxx] as an address. That never was really your home.

A. Right.

S. Ex. 7, pg. 37

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Q. So whenever you moved, you changed the address and submitted that to the department; right?

A. Yes, sir.

Q. So why didn't you do that when you moved to Brookfield?

A. Because I never felt like I really, you know, yes, I lived there, but I never moved there because I never really wanted to be there.

Q. The thing is, you went there every day.

A. Yeah.

Q. Every single day.

A. Uh-huh.

S. Ex. 7, pg. 50-51.

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Q. Okay. So you consciously decided not to – to live out of the city of Chicago?

A. Yes.

Q. Okay. And how long did you live outside the City of Chicago?

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A. I stayed with my sister for about a year.

Q. Okay. And you know this was a direct violation of the rules presented in the Chicago Police Department.

A. Yes.

S. Ex. 8, pg. 24.

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Q. Do you feel you've complied with the residency requirements within the city of Chicago during your time as a Chicago Police Officer?

A. Yes, sir.

Q. Why is that?

A. Because for the majority of my career, I've lived in the city.

Q. But the rule states it's not the majority. You have to be a resident of the city of Chicago. Do you feel that you have lived up to the requirement that you live in the City of Chicago. As a city of Chicago employee, that you live in the city?

A. For a period, I was going through a very hard time and I stayed with a family member who was out of the city; and that's what I did.

Q. What do you define by a period of time?

A. Almost over a year.

S. Ex. 8, pg. 34.

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Q. When you moved in full-time with your sister and [sic] Henrietta in Brookfield, did you take all of your belongings, which were previously on Washtenaw over there?

A. I stored them, yes.

Q. Stored them where?

A. In a storage area.

Q. Where though? Physically where?

A. In Brookfield.

Q. At your sister's place?

A. Yeah.

S. Ex. 8, pg 44-45.

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Q. But knowing that you have to live in the city of Chicago, you still chose not to.

A. Yes.

S. Ex. 8, pg 51.

### **Charges Against the Respondent**

For the reasons outlined below, the Board finds Respondent **guilty** of Specification Nos. 1, 2, and 3.

5. Police Officer Clara M. Ortiz, Star No. 15995, is **guilty** of violating Rules 2, 14, and 26 in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 1:

On or about July 15, 2013, Police Officer Clara M. Ortiz ("Officer Ortiz") signed a City of Chicago Department of Human Resources Employee Change of Address Form / Residency Affidavit stating her address as [xxxx] N. Washtenaw, Chicago, IL, when she actually resided at [xxxx] Grant Avenue, Brookfield, Illinois, and/or [xxxx] Henrietta Avenue, Brookfield, Illinois, from in or about July 2013 to on or about July 15, 2017, or for some period of time therein. Officer Ortiz thereby violated:

- a. Rule 2, which prohibits action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 14, which prohibits making a false police report, written or oral; and

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- c. Rule 26, which prohibits failure to provide the Department with a current address and telephone number.

6. Police Officer Clara M. Ortiz, Star No. 15995, is **guilty** of violating Rules 1, 2, and 25

in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 2:

From at least in or about July 2013 through at least in or about September 2015, or for some period of time therein, Officer Ortiz resided at [xxxx] Grant Avenue, Brookfield, Illinois. Officer Ortiz thereby violated:

- a. Rule 1, which prohibits violation of any law or ordinance, by violating Title 2, Chapter 152, Section 050 of the Municipal Code of Chicago (“Residence restrictions”);
- 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 25, which prohibits failure to actually reside within the corporate boundaries of the City of Chicago.

7. Police Officer Clara M. Ortiz, Star No. 15995, is **guilty** of violating Rules 1, 2, and 25

in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 3:

From at least in or about September 2015 through at least on or about July 15, 2017, or for some period of time therein, Officer Ortiz resided at [xxxx] Henrietta Avenue, Brookfield, Illinois. Officer Ortiz thereby violated:

- a. Rule 1, which prohibits violation of any law or ordinance, by violating Title 2, Chapter 152, Section 050 of the Municipal Code of Chicago (“Residence restrictions”);
- b. Rule 2, which prohibits engaging in 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 25, which prohibits failure to actually reside within the corporate boundaries of the City of Chicago.



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Residency is defined in Illinois case law to require both (1) physical presence, and (2) intent to make a place a permanent residence. *In re Monarrez*, 588 B.R. 838, 858 (N.D. Ill. 2018). In determining intent, a person's acts are to be given more weight than their declarations. *Id.* "A person's residence is the place where a person lives and has [their] true, permanent home, to which, whenever [they] are absent, [they] have an intention of returning." *Fedanzo v. City of Chicago*, 333 Ill. App. 3d 339, 350 (Ill. App. Ct. 2002).

In this case, the Board concludes that starting in approximately July 2013, Respondent's intent was to reside with her children in Brookfield, Illinois. Respondent was a devoted mother who clearly wanted to spend as much of her non-working time as possible with her children. However, instead of bringing her children to her Chicago address, which was owned and occupied by numerous family members, Respondent consistently traveled to and from Brookfield to be with her children. Respondent herself testified that on her days off, furlough days, and special occasions, she always went to stay with her children at her husband's home at [xxxx] Grant Avenue. Respondent further admitted to BIA that she moved to Brookfield "when [her husband] moved there" or at the very least "months after that." S. Ex. 7 at 24. Respondent may not have wanted her husband and children to leave Chicago, and was certainly placed in a difficult position by this decision, but the Board concludes that Respondent made the decision to go with them.<sup>1</sup> This is inconsistent with maintaining Chicago residency. The Board finds that Respondent's Residency Affidavit was false and that Respondent did not provide CPD with a current address.

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<sup>1</sup> There is a process for obtaining a short-term waiver of the residency requirement "due to extraordinary circumstances" when "in the judgment of the commissioner of human resources the granting of a waiver would be equitable and appropriate." Chicago Municipal Code Section 2-152-050. Although it is unclear whether Respondent would have met the criteria, she never even sought the waiver.

Following her husband's death in February 2016, Respondent was the sole decisionmaker about where she and her family would reside. Still, Respondent chose Brookfield, this time her sister's house at [xxxx] Henrietta Avenue. The Board credits Respondent's testimony that it was tragic life events that led to this decision, but the fact remains that by the time of her BIA interview Respondent could not remember the last time she had spent the night in Chicago (S. Ex. 6, at 21), Respondent acknowledged traveling to Brookfield every day (S. Ex. 7 at 50-51) and having stayed there "for about a year," (S. Ex. 8 at 24) and further admitted that all of her belongings were stored in Brookfield (S. Ex. 8 at 44-45).

Given Respondent's testimony and admissions, it is no surprise that the surveillances conducted by BIA showed Respondent going through the normal functions of daily life – commuting to and from work, school drop off, Goodwill donation, yoga class – in Brookfield. Respondent may have maintained some personal possessions and connections to her Chicago address, but the place she always intended to return to was where her loved ones lived, and between July 2013 and July 2017 that place was Brookfield. For these reasons, the Board finds Respondent guilty of the charges in Specification Nos. 1, 2, and 3.

### **Disciplinary Action**

8. The Board has considered the facts and circumstances of the conduct of which it has found Respondent guilty, and the evidence presented in mitigation, including Respondent's complimentary and disciplinary histories.

Respondent became a Chicago police officer in 2001. Her supervising officer from 2011 to 2016 testified that Respondent is very dependable, professional, and collegial, and stated that she related well to civilians she met on the street. Respondent also submitted 12 letters from individuals (two of whom also testified) who spoke of her compassionate nature, great love for

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her children, and passion for being a police officer. Respondent's complimentary history consists of 25 awards, including one Department Commendation and nine Honorable Mentions. There are no sustained complaints on her disciplinary history report.

Nevertheless, Respondent's accomplishments as a police officer, the witnesses' and letter writers' evaluations of her work and character, and the lack of prior disciplinary history do not mitigate the seriousness of the misconduct in this case. Section 2-152-050 of the Municipal Code of Chicago states: "All officers and employees of the city shall be actual residents of the city. Any officer or employee of the city who shall fail to comply with the provisions of this section shall be discharged from the service of the city in the manner provided by law."

In light of this requirement of the Municipal Code, the Board finds that Respondent's conduct is sufficiently serious to constitute a substantial shortcoming that renders her continuance in her office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something that the law recognizes as good cause for her to no longer occupy her 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 the 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 5 in favor (Ghian Foreman, Paula Wolff, Steven A. Block, Mareil  B. Cusack, and Michael Eaddy) to 0 opposed, the Board finds Respondent **guilty** of the charges in Specification Nos. 1 – 3, as set forth in Section Nos. 5 – 7 above.

As a result of the foregoing and for the reasons set forth in Section No. 8 above, the Board, by a vote of 5 in favor (Foreman, Wolff, Block, Cusack, and Eaddy) to 0 opposed, hereby determines that cause exists for discharging Respondent from her position as a police officer with the Department of Police and from the services of the City of Chicago.

**NOW THEREFORE, IT IS HEREBY ORDERED** that Police Officer Clara M. Ortiz, Star No. 15995, as a result of having been found **guilty** of all charges in Police Board Case No. 21 PB 2999, 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.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Steven A. Block, Mareil  B. Cusack, and Michael Eaddy.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18<sup>th</sup> DAY OF AUGUST, 2022.

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Attested by:

/s/ GHIAN FOREMAN  
President

/s/ MAX A. CAPRONI  
Executive Director

**DISSENT**

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

[None]

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RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

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DAVID O. BROWN  
Superintendent of Police